JAN 25 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)

Appellee,) Filed January 25, 1979

vs.)

SHARON RENEE WILLIAMS, 756
61057

Appellant.)

Appeal from the Scott District Court - James Havercamp, Judge.

Defendant appeals from judgment and sentence imposed on conviction of robbery. Affirmed.

Jorge Gomez, Jr., of Davenport, for appellant.

Thomas J. Miller, Attorney General, and Elizabeth Shaw, Scott County Attorney, for appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Defendant, Sharon Renee Williams, appeals from judgment and sentence imposed following conviction of robbery, contrary to § 711.3, The Code, 1977.

The sole ground presented on appeal is whether the trial court erred in refusing to instruct the jury (upon defendant's request) concerning the distinction between accessory before and after the fact, as those terms are employed in §§ 688.1, 688.2, The Code, 1977. Defendant contends that as a result of this refusal, there was a likelihood that the jury might convict the defendant for aiding and abetting the perpetrators of the robbery after the commission of the crime.

We disagree. The trial court's instructions adequately told the jury what type of aiding and abetting had to be established by the State to render defendant guilty of the offense as a principal. The instructions stated, in part, that to aid and abet means "to assent to an act or to lend countenance or approval either by active participation in it or by some manner encouraging it **prior to, or at the time of, its commission.**" (emphasis supplied) Such language was sufficient to exclude after-the-fact activities of defendant from the definition of aiding and abetting. See State v. Buttolph, 204 N.W.2d 824, 825 (Iowa 1972). There was no error in the instructions.

AFFIRMED.