IN THE COURT OF APPEALS OF IOWA

No. 9-649 / 89-59

FILED
FEB 22 1990
CLERK SUPREME COURT

365

STATE OF IOWA,

Appellee,

vs.

ROY KELVIN HARNDEN,

Appellant.

Appeal from the Iowa District Court for Wapello County, Dan F. Morrison, Judge.

Defendant appeals from his convictions, following a jury trial, for the crimes of lascivious acts with a child and child endangerment. **AFFIRMED BY OPERATION OF LAW.**

Raymond E. Rogers, State Appellate Defender, and Linda Del Gallo, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General; Sheryl A. Soich, Assistant Attorney General; and William H. Appel, County Attorney, for appellee.

Considered en banc.

PER CURIAM.

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1987).

AFFIRMED.

For affirmance: Donielson, Hayden, and Habhab, JJ.

For reversal: Oxberger, C.J., and Schlegel, and Sackett, JJ.