IN THE COURT OF APPEALS OF IOWA

No. 3-107 / 91-1885

FILED
JUN 29 1993
CLERK SUPREME COURT

000365

STATE OF IOWA,

Appellee,

vs.

LUIS J. CLYCE,

Appellant.

Appeal from the Iowa District Court for Warren County, Gene Needles, Judge.

Defendant appeals his conviction, following a bench trial, of child endangerment resulting in serious injury. **AFFIRMED BY OPERATION OF LAW.**

Linda Del Gallo, State Appellate Defender, and Elizabeth E. Quinlan, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, Robert P. Ewald, Assistant Attorney General, Kevin Parker, County Attorney, and John Doran, Assistant County Attorney, for appellee.

Heard by Oxberger, C.J., and Sackett, J., and Keefe, S.J.* but decided by Oxberger, C.J., Donielson, Schlegel, Hayden, Sackett, and Habhab, JJ.

*Senior Judge from the 1st Judicial District serving on this court by order of the Iowa Supreme Court.

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PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1991).

AFFIRMED.

For affirmance: Oxberger, C.J., and Donielson and Habhab, JJ.

For reversal: Schlegel and Hayden, and Sackett, JJ.