FILED
MAY 25 1993
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 3-022 / 92-390

000739

STATE OF IOWA,

Appellee,

vs.

TIMOTHY CHRISTOPHER BRYANT,

Appellant.

Appeal from the Iowa District Court for Polk County, George Bergeson, Judge.

Defendant appeals his conviction for first-degree kidnapping on the grounds that there was not substantial evidence to support the jury's verdict. **AFFIRMED BY OPERATION OF LAW.**

Alfredo Parrish and Andrew J. Dunn of Parrish & Kruidenier, Des Moines, for appellant.

Bonnie J. Campbell, Attorney General; Sheryl A. Soich, Assistant Attorney General; and John P. Sarcone, County Attorney, for appellee.

Heard by Hayden, P.J., and Sackett and Habhab, JJ., but decided en banc.

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PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1993).

AFFIRMED.

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

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