FILED
APR 20 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)

Plaintiff-Appellee,) Filed April 20, 1988 249

vs.)

GEORGE H. MACLIN,) 7-562
87-509

Defendant-Appellant.)

Appeal from the Iowa District Court for Muscatine County (No. 1726-1186), L. D. Carstensen, Judge.

Defendant appeals from his conviction of false use of a financial instrument in the first degree in violation of Iowa Code sections 715.1(1) and 715.6. **AFFIRMED BY OPERATION OF LAW.**

Charles L. Harrington, Chief Appellate Defender, and B. John Burns, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Mark J. Zbieroski, Assistant Attorney General; and Steven J. Petersen, Muscatine County Attorney, for plaintiff-appellee.

Considered en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.4107 (1987).

AFFIRMED.

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

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