IN THE COURT OF APPEALS OF IOWA

No. 6-616 / 95-2003

000361

STATE OF IOWA,

Plaintiff-Appellee,

vs.

JEFFREY SCOTT ANDERSON,

Defendant-Appellant.

FILED
JAN 29 1997
CLERK SUPREME COURT

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

Defendant appeals from judgment and sentence entered, following jury trial, for first-degree burglary, third-degree sexual abuse, and assault with intent to commit sexual abuse causing bodily injury. **AFFIRMED BY OPERATION OF LAW.**

Linda Del Gallo, State Appellate Defender, and John P. Messina, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Julie H. Brown, Assistant Attorney General, John Sarcone, County Attorney, and Jeffrey K. Noble, Assistant County Attorney, for appellee.

Heard by Streit, P.J., and Vogel, J., and Schlegel, S.J.* but decided by Habhab, C.J., and Sackett, Cady, Huitink, Streit and Vogel, JJ.

* Senior judge from the Iowa Court of Appeals serving on this court by order of the Iowa Supreme Court.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1995).

AFFIRMED.

For affirmance: Habhab, C.J., and Cady and Vogel, JJ.

For reversal: Sackett, Huitink and Streit, JJ.