IN THE COURT OF APPEALS OF IOWA

FILED
AUG 27 1992
CLERK SUPREME COURT

No. 2-179 / 91-1248

IN THE INTEREST OF R.D.H., A Child,

R.D.H., A Child,

Appellant.

Appeal from the Iowa District Court for Polk County, Larry J. Eisenhauer, Juvenile Referee.

A minor appeals an adjudication that he had committed a delinquent act of unlawful possession of a controlled substance. **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, John M. Parmeter, Special Assistant Attorney General, and Katherine S. Miller-Todd, Assistant Attorney General, for appellee State.

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

*Senior Judge from the 2nd Judicial District 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) (1991).

AFFIRMED.

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

For reversal: Schlegel, Hayden and Sackett, JJ.