

IN THE COURT OF APPEALS OF IOWA

No. 2-491 / 91-1728

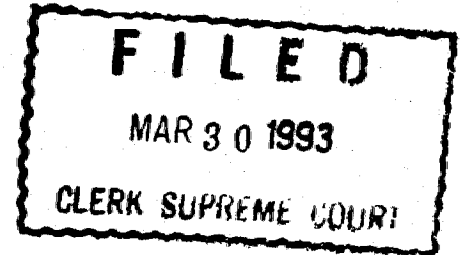
STATE OF IOWA,

Appellee,

vs.

WILLIAM HENRY PARKER,

Appellant.



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Appeal from the Iowa District Court for Polk County,  
Raymond Hanrahan, Judge.

Defendant appeals from his conviction for second degree  
burglary. **AFFIRMED BY OPERATION OF LAW.**

Robert P. Montgomery of Parrish & Kruidenier,  
Des Moines, for appellant.

Bonnie J. Campbell, Attorney General, David A. Ferree,  
Special Assistant Attorney General, and Mark Hunacek,  
Assistant Attorney General, for appellee.

Heard by Oxberger, C.J., and Hayden, J., and Keefe,  
S.J.,\* but decided en banc.

\*Senior Judge from the 1st 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) (1987).

**AFFIRMED.**

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

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