

IN THE COURT OF APPEALS OF IOWA

No. 0-439 / 89-1506

FILED

DEC 27 1990

CLERK SUPREME COURT

STATE OF IOWA,

Appellee,

vs.

VAUGHNY JESSE DYKES,

Appellant.

268

Appeal from the Iowa District Court for Polk County,
Peter A. Keller, Judge.

Owner appeals forfeiture of impounded property to the
State pursuant to Iowa Code chapter 809. **AFFIRMED BY
OPERATION OF LAW.**

Rick L. Olson, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Sarah J. Coats,
Assistant Attorney General, James Smith, County Attorney,
and James Ward, Assistant County Attorney, for appellee.

Considered by Oxberger, C.J., and Schlegel and Hayden,
JJ., but decided en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1989).

AFFIRMED.

For affirmance: Donielson, Sackett and Habhab, JJ.

For affirming in part and reversing in part: Oxberger, C.J., and Schlegel, and Hayden, JJ.