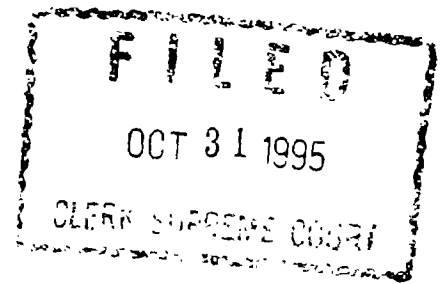


IN THE COURT OF APPEALS OF IOWA

No. 5-370 / 94-0722



STATE OF IOWA,

Appellee,

vs.

ALVIN RAY JEFFERSON, JR.,

Appellant.

Appeal from the Iowa District Court for Polk County, Rodney J. Ryan, Judge.

Jefferson appeals the judgment and sentence entered upon his conviction, following a jury trial, of first-degree robbery. **AFFIRMED BY OPERATION OF LAW.**

Linda Del Gallo, State Appellate Defender, and Annette L. Hitchcock, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Susan M. Crawford, Assistant Attorney General, John P. Sarcone, County Attorney, and Daniel C. Voogt, Assistant County Attorney, for appellee.

Heard by Donielson, C.J., and Hayden and Cady, 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) (1995).

AFFIRMED.

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

For reversal: Hayden, Sackett and Huitink, JJ.