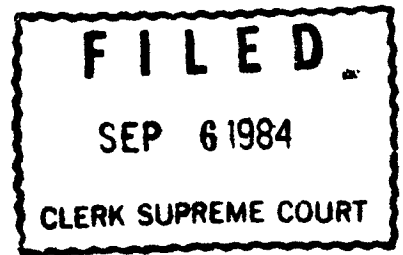


IN THE COURT OF APPEALS OF IOWA



STATE OF IOWA,)

Plaintiff-Appellee,)

Filed September 6, 1984

337

vs.)

JACINTO F. MENDIOLA,)

4-91
83-540

Defendant-Appellant.)

Appeal from the Iowa District Court for Scott County - James C. Kelley,
Judge.

Defendant appeals from his conviction of possession of a controlled
substance with intent to deliver in violation of Iowa Code section 204.401(1).
AFFIRMED BY OPERATION OF LAW.

Charles Harrington, Chief Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Sherie Barnett, Assistant Attorney
General, for plaintiff-appellee.

Considered en banc.

PER CURIAM

Defendant appeals from his conviction of possession of a controlled substance with intent to deliver in violation of Iowa Code section 204.401(1). Three judges would affirm the decision of the district court and three would reverse. Pursuant to Iowa Code section 684.36(1), the decision of the district court is affirmed by operation of law.

AFFIRMED BY OPERATION OF LAW.