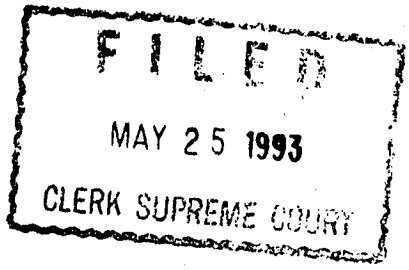
IN THE COURT OF APPEALS OF IOWA

No. 3-191 / 92-1350



000819

STATE OF IOWA,
Plaintiff-Appellee,

vs.

KENNETH LEE POE, JR.,
Defendant-Appellant.

Appeal from the Iowa District Court for Scott County, Edward B. deSilva, Judge.

The defendant appeals from his conviction and sentence, following a jury trial, for sexual abuse in the second degree. **AFFIRMED BY OPERATION OF LAW.**

Linda Del Gallo, State Appellate Defender, and B. John Burns, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, and Julie Halligan Brown, Assistant Attorney General, William E. Davis, County Attorney, and Michael J. Walton, Assistant County Attorney, for appellee.

Heard by Schlegel, P.J., and Sackett, J., and Keefe, S.J.*, but decided by Oxberger, C.J., Donielson, Schlegel, Hayden, Sackett, and Habhab, JJ.

*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) (1993).

AFFIRMED.

For affirmance: Donielson and Sackett, and Habhab, JJ.

For reversal: Oxberger, C.J., and Schlegel and Hayden, JJ.