IN THE COURT OF APPEALS OF IOWA

No. 2-151 / 91-280

FILED
JUN 25 1992
CLERK SUPREME COURT

STATE OF IOWA,

Plaintiff-Appellee,

vs.

SANKOM PHANHSOUVANH,

1228

Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Joel D. Novak, Judge.

Defendant appeals a judgment and sentence of the district court, following a jury trial, finding him guilty of sexual abuse in the second degree. **AFFIRMED BY OPERATION OF LAW.**

Linda Del Gallo, State Appellate Defender, and Andi S. Lipman, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, Bridget Chambers, Assistant Attorney General, John P. Sarcone, County Attorney, and Kathleen Deal, Assistant County Attorney, for appellee.

Heard by Donielson, P.J., and Hayden and Sackett, 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) (1991).

AFFIRMED.

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

For reversal: Schlegel, Hayden and Sackett, JJ.