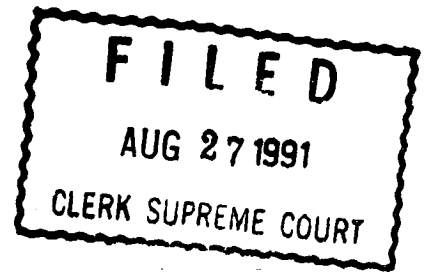


IN THE COURT OF APPEALS OF IOWA

No. 1-248 / 90-496



593

STATE OF IOWA,

Plaintiff-Appellee,

vs.

HOWARD GOEHRING,

Defendant-Appellant.

Appeal from the Iowa District Court for Dallas County,
Robert O. Frederick, Judge.

Goehring appeals from his conviction, following a bench
trial, for assault with intent to commit sexual abuse.

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, Thomas S. Tauber,
Assistant Attorney General, David J. Welu, County Attorney,
and Connie Welu, Assistant County Attorney.

Considered 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, Hayden, and Habhab, JJ.

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