

**IN THE COURT OF APPEALS OF IOWA**

No. 6-205 / 95-1428

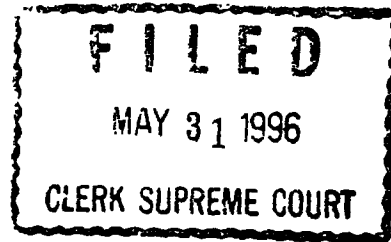
**STATE OF IOWA,**

Plaintiff-Appellant,

vs.

**JOHNNY JACKSON,**

Defendant-Appellee



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Appeal from the Iowa District Court for Webster County, Kurt L. Wilke,  
Judge.

The State appeals from a district court order granting defendant a new trial on  
the charge of first-degree kidnapping. **AFFIRMED BY OPERATION OF LAW.**

Thomas J. Miller, Attorney General, Susan M. Crawford, Assistant Attorney  
General, and James J. Koll, County Attorney, for appellant.

Alfredo Parrish of Parrish, Kruidenier, Moss, Dunn & Montgomery, Des  
Moines, for appellee.

Heard by Sackett, P.J., and Huitink and Streit, 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: Sackett, P.J., and Habhab, J.

For reversal and reinstatement of conviction: Huitink and Streit, JJ.

Cady and Vogel, JJ., take no part.