IN THE COURT OF APPEALS OF IOWA

No. 2-591 / 91-1501

FILED
MAY 0 4 1993
SUPREME COURT
000737

STATE OF IOWA,

Appellee,

vs.

MICHAEL EUGENE BLACKWELL,

Appellant.

Appeal from the Iowa District Court for Polk County, Michael J. Streit, Judge.

The defendant appeals from his convictions and sentences for two counts of first-degree murder and one count of first-degree burglary. **AFFIRMED BY OPERATION OF LAW.**

Linda Del Gallo, State Appellate Defender, and Ahmet S. Gonlubol, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, Thomas G. Fisher, Jr., Assistant Attorney General, and John P. Sarcone, County Attorney, for appellee.

Heard by Oxberger, C.J., and Hayden and Habhab, JJ., but decided en banc.

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PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1987).

AFFIRMED.

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

For reversal: Schlegel, J., and Hayden and Sackett, JJ.