IN THE COURT OF APPEALS OF IOWA

FILED
FEB 23 1989
CLERK SUPREME COURT

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	
vs.	)	365
RAYMOND AGENT,	)	8-490
		87-1768
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Des Moines County (CRF4967-0187), William S. Cahill, Judge.

Defendant appeals following his conviction by a jury of delivery of cocaine. **AFFIRMED BY OPERATION OF LAW.**

Raymond E. Rogers, Acting Chief Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Bruce Kempkes, Assistant Attorney General, for plaintiff-appellee.

Heard by Hayden, P.J., and Sackett and Habhab, JJ.

PER CURIAM 366

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

AFFIRMED.

For affirmance: Schlegel, Hayden, and Sackett, JJ.

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