IN THE COURT OF APPEALS OF IOWA

No. 1-008 / 90-180

FILED
APR 23 1991
CLERK SUPREME COURT

308

STATE OF IOWA,

Appellee,

vs.

JACK LEE WOODS,

Appellant.

Appeal from the Iowa District Court for Linn County, Lynne E. Brady and L. Vern Robinson, Judges.

Defendant Woods appeals his conviction, following a jury trial, for first-degree burglary. **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; Mark Joel Zbieroski, Assistant Attorney General; and Denver D. Dillard, 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) (1989).

AFFIRMED.

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

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