FILED
JAN 29 1991
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-427 / 89-0998

395

STATE OF IOWA,

Plaintiff-Appellee,

vs.

GLORIA JEAN JONES,

Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Peter Van Metre, Judge.

Defendant appeals her conviction, following a jury trial, for second-degree murder. **AFFIRMED BY OPERATION OF LAW.**

Linda Del Gallo, Acting State Appellate Defender, B. John Burns, Assistant Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, Richard J. Bennett, Assistant Attorney General, James M. Metcalf, Black Hawk County Attorney, Thomas Ferguson and Daniel Shuck, Assistant County Attorneys, for appellee.

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.