



IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	223
Plaintiff-Appellee,	)	Filed January 28, 1987
vs.	)	
THOMAS MICHAEL RICHMOND,	)	<u>6-515</u>
Defendant-Appellant.	)	86-839

Appeal from the Iowa District Court for Fayette County (40983) - Robert E. Mahan and Joseph C. Keefe, Judges.

Defendant appeals from his conviction, following a bench trial, of two counts of theft in the third degree.

Charles Harrington, Chief Appellate Defender, and Linda Del Gallo, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Elizabeth E. Ciebell, Assistant Attorney General, for plaintiff-appellee.

Considered by Oxberger, C.J., Snell, and Hayden, JJ.

PER CURIAM**221**

Defendant was accused of two counts of theft in the third degree, in violation of Iowa Code section 714.1 and 714.2(3) (1985). Prior to trial defendant moved to suppress certain evidence seized during a warranted search on the grounds that probable cause did not exist for the issuance of the warrant. The trial court overruled this motion and eventually found defendant guilty as charged.

On appeal defendant contends the evidence gained as a result of the warranted search should have been suppressed because: (1) no probable cause existed for the issuance of the warrant; and (2) the officer conducting the search lacked any objective good faith grounds for relying on the probable cause determination. We disagree.

"The task of the issuing magistrate is simply to make a practical common-sense decision whether given all the circumstances set forth in the affidavit before him, . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place." Illinois v. Gates, 462 U.S. 213, 238, 103 S. Ct. 2317, 2332, 76 L. Ed. 2d 527, 548, reh'g. denied, 463 U.S. 1237, 104 S. Ct. 33, 77 L. Ed. 2d 1453 (1983). From the information presented in this case the magistrate was correct in finding probable cause sufficient to issue the warrant.

We also find that the assistant police chief's reliance on the sufficiency of the warrant was objectively reasonable. See United States v. Leon, 468 U.S. 897, 919-20, 104 S. Ct. 3405, 3420, 82 L. Ed. 2d 677, 698, reh'g. denied, 468 U.S. 1250, 105 S. Ct. 52, 82 L. Ed. 2d 942 (1984). We therefore affirm the decision of the trial court.

AFFIRMED.