FILED
JAN 25 1990
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-647 / 88-1845

448

STATE OF IOWA,

Plaintiff-Appellee,

vs.

KENNETH ROBERT WHITE,

Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, James D. Coil, Judge.

Defendant appeals his conviction, following a bench trial, for driving while barred, contending police officers had no reasonable cause for stopping the vehicle he was driving. **AFFIRMED.**

Raymond E. Rogers, State Appellate Defender, and James F. Whalen and B. John Burns, Assistant Appellate Defenders, for appellant.

Thomas J. Miller, Attorney General, Amy M. Anderson, Assistant Attorney General, and James M. Metcalf, County Attorney, for appellee.

Considered by Schlegel, P.J., and Hayden and Sackett, JJ.

PER CURIAM

Defendant appeals his conviction for driving while barred, in violation of Iowa Code section 321.561 (1987). He contends the officers who stopped the vehicle he was driving did not have reasonable cause to stop him, and thus violated his fourth amendment rights by doing so. Our review in this case is de novo. State v. Hilleshiem, 291 N.W.2d 314, 316 (1980). We affirm the district court decision.

On May 3, 1988, Black Hawk County Sheriff's Deputy Rick Dolleslager and Black Hawk County Lieutenant John Sewick were traveling southbound on Highway 218 in Black Hawk County. They were in an unmarked car and wearing plain clothes. Dolleslager observed a pickup truck traveling in front of his vehicle. The driver of the truck looked furtively at Dolleslager's car on two or three occasions through the back window, which drew Dolleslager's attention to the truck.

Dolleslager radioed his dispatcher for a license check of the pickup truck. The truck came back as registered to an individual whose license to operate motor vehicles was suspended. Dolleslager subsequently pulled the truck over and found the driver to be the defendant, rather than the truck's owner. The defendant, however, was also barred from operating motor vehicles pursuant to Iowa Code section 321.561. Dolleslager arrested defendant for a violation of that section.

Defendant filed a motion to suppress, contending the officers had no reasonable grounds to stop him. The district court denied this motion, and defendant now appeals his conviction, again raising the reasonable grounds claim. The state contends the officers had an articulable and objective suspicion upon which they based their stop.

The United States Supreme Court has held it reasonable for officers to stop a car and detain the driver to check the driver's license if the officers have "at least articulable and reasonable suspicion that a motorist is unlicensed . . . ." See Delaware v. Prouse, 440 U.S. 648, 663, 99 S. Ct. 1391, 1401, 59 L. Ed. 2d 660, 673 (1979). We find the officers here had such a suspicion. After the defendant called attention to himself, the officers rightfully became suspicious. Once they determined the vehicle's owner had a suspended driver's license, their suspicion rose to a level sufficient to justify a stop. See State v. Jackson, 315 N.W.2d 766, 767 (1982). It was reasonable to infer that the truck was being driven by its owner, given the absence of evidence to the contrary.

The district court did not err in denying defendant's motion to suppress, and its decision is hereby affirmed.

AFFIRMED.