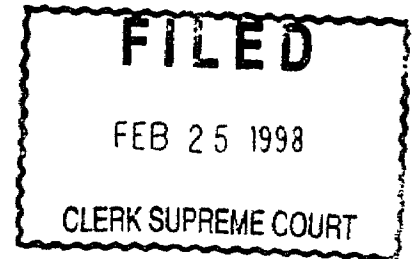


IN THE COURT OF APPEALS OF IOWA

000525

No. 8-040 / 97-0888
Filed February 25, 1998



STATE OF IOWA,
Appellee,

vs.

TODD LYNN STYKEL,
Appellant.

Appeal from the Iowa District Court for Cherokee County, Donavon Schaefer,
District Associate Judge.

Defendant appeals the judgment and sentence entered upon his conviction of
driving while license suspended in violation of Iowa Code section 321A.21(1) (1995).

AFFIRMED.

M.W. Miller, Jr. of Miller, Miller & Miller, P.C., Cherokee, for appellant.

Thomas J. Miller, Attorney General, Bridget A. Chambers, Assistant Attorney
General, and John A. Wibe, County Attorney, for appellee.

Considered by Huitink, P.J., and Streit and Vogel, JJ.

HUITINK, P.J. 000526

Defendant, Todd Stykel, appeals from the trial court's ruling, following a hearing, denying his motion to suppress evidence related to a motor vehicle stop, arguing the stop was unreasonable. A Cherokee police officer observed Stykel driving in town about 2:00 a.m. in November, 1996. From his past experience as a police officer and deputy sheriff, the officer knew Stykel's license had been suspended at times in the past. As he followed defendant's vehicle, the officer called his sergeant to inquire about defendant's license. The sergeant stated "the last time he knew" Stykel's license was under suspension. The officer stopped Stykel's car and asked him for his license. Stykel told the officer he did not have it. When the officer checked with the Law Enforcement Center, he determined Stykel's license still was under suspension and arrested him.

After his arraignment, Stykel filed a motion to suppress evidence related to the vehicle stop. The court denied the motion after an evidentiary hearing and refused Stykel's request to file an interlocutory appeal. The court found Stykel guilty of driving under suspension and imposed a fine and a one-day jail sentence. Stykel appeals, arguing the officer did not have reasonable cause to stop his vehicle. He asserts the stop, therefore, was constitutionally impermissible and any evidence obtained should have been suppressed. We affirm the decision of the trial court by memorandum opinion pursuant to Iowa Supreme Court rule 9.

Defendant alleges a violation of his constitutional rights, therefore our review is de novo. *State v. Scott*, 518 N.W.2d 347, 349 (Iowa 1994). Our law concerning investigative vehicle stops is well settled. Police may stop and briefly detain a person for investigative purposes if the officer has reasonable cause to believe a crime may have occurred. *State v. Rosenstiel*, 473 N.W.2d 59, 61 (Iowa 1991). To meet a reasonable cause standard a police officer must be able to articulate something more than an inchoate and unparticularized suspicion or hunch. *Alabama v. White*, 496 U.S. 325, 329, 110 S.Ct. 2412, 2416, 110 L.Ed.2d 301, 308 (1990) (citing *United States v. Sokolow*, 490 U.S. 1, 7, 109 S.Ct. 1581, 1585, 104 L.Ed.2d 1, 10 (1989)). An unparticularized suspicion will not suffice, however, an officer may make an investigatory stop with “considerably less than proof of wrongdoing by a preponderance of the evidence.” *State v. Richardson*, 501 N.W.2d 495, 496-97 (Iowa 1993) (quoting *Sokolow*, 490 U.S. at 8, 109 S.Ct. at 1585, 104 L.Ed.2d at 10). The reasonableness of a stop is measured by an objective standard: “would the facts available to the officer at the moment of the [stop] ‘warrant a [person] of reasonable caution in the belief’ that the action taken was appropriate?” *Terry v. Ohio*, 392 U.S. 1, 21-22, 88 S.Ct. 1868, 1880, 20 L.Ed.2d 889, 906 (1968) (quoting *Carroll v. United States*, 267 U.S. 132, 162, 45 S.Ct. 280, 288, 69 L.Ed. 543, 555 (1925)). The primary function of an investigatory stop is to resolve any ambiguity as to whether criminal activity is afoot. *Richardson*, 501 N.W.2d at 497; 3 W. LaFave, *Search and Seizure*, § 9.3(b) at 432 (1987).

We find the stop reasonable under the circumstances and considering the facts available to the officer at the time. The officer had a particularized suspicion the defendant was driving while under suspension and acted appropriately to resolve the issue. Although he might have called the Law Enforcement Center to ascertain Stykel's license status before the stop, we conclude the stop was reasonable and did not violate defendant's constitutional rights. The trial court properly denied Stykel's motion to suppress.

AFFIRMED.