FILED
JAN 26 1983
CLERK SUPREME COURT

00218

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed January 26, 1983
vs.	)	2-448
		67962
ROBERT WICHER,	)	
Defendant-Appellant.	)	

Appeal from Linn District Court, L. Vern Robinson, Judge.

Defendant appeals from his conviction for conspiracy to deliver a controlled substance in violation of Iowa Code section 204.401(1). AFFIRMED.

Francis C. Hoyt, Jr., Appellate Defender, and Douglas F. Staskal, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Roxann M. Ryan, Assistant Attorney General, for plaintiff-appellee.

Considered en banc.

PER CURIAM

Defendant appeals from his conviction for conspiracy to deliver a controlled substance in violation of Iowa Code section 204.401(1), asserting that the evidence was insufficient to establish his participation in any conspiracy that may have existed. We affirm defendant's conviction.

In determining whether the evidence was sufficient to support the jury's verdict, we review all of the evidence in a light most favorable to the State, accepting all legitimate inferences which may fairly and reasonably be deducted therefrom. State v. Schrier, 300 N.W.2d 305, 306 (Iowa 1981). We find the evidence sufficient to convince a rational trier of fact beyond a reasonable doubt that defendant was an active participant in a transaction for the sale of LSD and not merely a passive observer. See State v. Robinson, 288 N.W.2d 337 (Iowa 1980).

AFFIRMED.