FILED
MAY 22 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed May 22, 1984
vs	)	
SCOTT R. CLEFISCH,	)	4-167 83-1362
Defendant-Appellant	)	

Appeal from the Iowa District Court for Clayton County - Dennis D. Damsgaard and C W Antes, Judges

Defendant appeals from his conviction for delivery of a schedule I controlled substance (marijuana) in violation of Iowa Code section 204.401(1)(b) (1981). AFFIRMED

James H Reynolds, Dubuque, Iowa, for defendant-appellant.

Thomas J Miller, Attorney General of Iowa, and Marcia Mason, Assistant Attorney General, for plaintiff-appellee

Heard by Oxberger, C J , and Donielson and Hayden, JJ

Defendant appeals from his conviction for delivery of a schedule I controlled substance (marijuana) in violation of Iowa Code section 204.401(1)(b) (1981). The sole issue raised on appeal is whether defendant's motion to suppress should have been granted because the undercover agent used deception to gain entry into defendant's home. When a defendant challenges a search and seizure on constitutional grounds our review is de novo. State v. Ahart, 324 N.W.2d 317, 318 (Iowa 1982).

When a narcotics agent by misrepresenting his identity is invited into a home to consummate an illegal transaction, the evidence obtained by the agent is admissible in court. Lewis v. United States, 385 U.S. 206, 211, 87 S. Ct. 424, 427, 17 L. Ed. 2d 312, 316 (1966); State v. Ahart, 324 N.W.2d at 319. The facts of this case fit squarely within this rule. Defendant invited a friend of his and a person he had never seen before into his mobile home in order to sell them marijuana. The fact that the person unknown to defendant did not reveal that he was an undercover agent did not make the warrantless entry at defendant's invitation unlawful.

AFFIRMED.