FILED
AUG 2 3 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

823

STATE OF IOWA,

Plaintiff-Appellee,

vs.

DANIEL ALLEN MABBIT,

Defendant-Appellant,

9-206
88-763

Appeal from the Iowa District Court for Mills County (C-2367), Glen M. McGee and James M. Richardson, Judges.

The defendant appeals from his conviction, following a jury trial, of third-degree theft. **AFFIRMED.**

William L. Wegman, State Public Defender, and Raymond E. Rogers, Assistant State Public Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Bruce Kempkes, Assistant Attorney General; and C. Kenneth Whitacre, Assistant County Attorney, for plaintiff-appellee.

Heard by Oxberger, C.J., and Hayden and Sackett, JJ.

PER CURIAM

Defendant-appellant Daniel Allen Mabbit appeals his conviction of third-degree theft. He contends the trial court erred in overruling his motion to suppress evidence obtained through a search and seizure which he claims lacked probable cause. The State contends the trial court found a consent search and the issues defendant now argues were not preserved for review.

Our scope of review is de novo. An officer testified he asked defendant for permission to search his car and defendant signed a consent to search form. The trial court found the defendant consented to the search. The defendant does not argue the consent was not given or that it was not voluntary.

We agree with the State that there is no issue for us to review. See State v. Gates, 260 Iowa 772, 777, 150 N.W.2d 617, 620 (1967).

AFFIRMED.