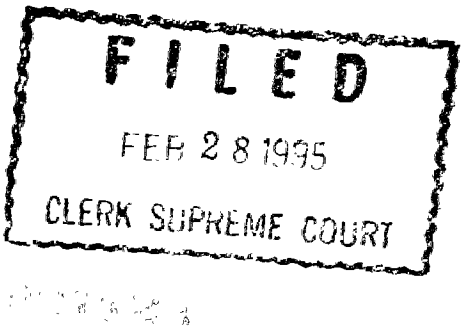
IN THE COURT OF APPEALS OF IOWA

No. 4-574 / 93-1998



STATE OF IOWA,

Plaintiff-Appellee,

vs.

STACEY VOSEBERG,

Defendant-Appellant.

Appeal from the Iowa District Court for Johnson County, John R. Sladek, District Associate Judge.

Stacey Voseberg appeals from her conviction, following a bench trial on stipulated evidence, of possession of marijuana. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and James G. Tomka, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, Angelina M. Smith, Assistant Attorney General, J. Patrick White, County Attorney, and David Tiffany, Assistant County Attorney, for appellee.

Heard by Donielson, C.J., and Habhab and Cady, JJ.

HABHAB, J.

The State charged Stacey Voseberg with possession of marijuana. Voseberg filed a motion to suppress.

At the suppression hearing, state trooper Duane Rozendaal testified he stopped Voseberg's vehicle for a possible registration violation.[1] When Rozendaal checked on Voseberg's license, he discovered she was wanted for parking meter violations. Rozendaal then placed Voseberg in his patrol car and radioed for another state trooper while awaiting confirmation on the warrant information.

State trooper Jesse Hernandez responded to Rozendaal's call and arrived on the scene shortly thereafter. After receiving confirmation on the warrants, Hernandez decided to approach Voseberg's passengers. When Hernandez returned to the patrol car, he surprised Rozendaal by asking Voseberg, "Where's the dope?" Hernandez then handed Voseberg's purse to Rozendaal which Rozendaal noticed smelled of marijuana. Rozendaal asked Voseberg if she had marijuana in the purse and Voseberg said "possibly." He gave the purse to her and she took out two marijuana cigarettes.

The district court denied the motion to suppress. The court found the warrantless seizure was justified because the officer had probable cause to believe contraband was

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1. The defendant does not challenge the lawfulness of the stop insofar as the lack of registration plates is concerned.

present and exigent circumstances in that the contraband could be easily destroyed.

Voseberg then agreed to a bench trial on stipulated evidence. The court found her guilty as charged. The court subsequently entered judgment and imposed sentence.[2] Voseberg appeals.

Voseberg claims the district court erred in denying the motion to suppress. Her sole contention on appeal is there was an unlawful seizure of her purse.

Because a constitutional right is involved, review is de novo. State v. Campbell, 326 N.W.2d 350, 352 (Iowa 1982).

In addressing Voseberg's sole contention of an unlawful seizure, we examine whether there was a seizure in violation of the Fourth Amendment. A seizure of property occurs when there is meaningful interference with possessory interests in the property seized. Maryland v. Macon, 472 U.S. 463, 469, 105 S. Ct. 2778, 2782, 86 L. Ed. 2d 370, 377 (1985). Testimony was provided that it is standard procedure for a purse to accompany an arrested person to jail. In compliance with this procedure, Hernandez brought Voseberg her purse from her car, so she could take it down to the jail with her. We conclude no seizure occurred in this case since all Hernandez did was

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2. The state and defense counsel entered into a written agreement in what is described as a "sentencing agreement and waiver of presence" whereby a fine of $250 plus a thirty percent surcharge was requested. The trial court obliged.

transport the purse from Voseberg's car to Voseberg in the police car. At no time did Hernandez exercise a meaningful interference with Voseberg's possessory interest in the purse. Hernandez merely retreived the purse for Voseberg.

We affirm the decision of the district court.

AFFIRMED.