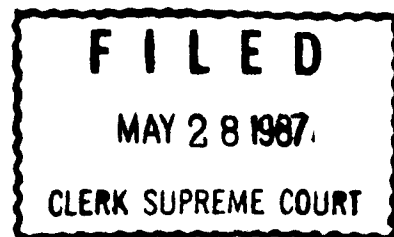


IN THE COURT OF APPEALS OF IOWA



STATE OF IOWA)

Plaintiff-Appellee,)

vs.)

TODD ALAN AMBROSE,)

Defendant-Appellant.)

Filed May 28, 1987 295

7-179
86-1366

Appeal from the Iowa District Court for Black Hawk County (Nos. D7X005835, D7X005848) - Forest E. Eastman, Judge.

The defendant appeals from his convictions for two charges of delivery of a controlled substance. **AFFIRMED.**

Charles Harrington, Appellate Defender, and Linda Del Gallo, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General; Lona Hansen, Assistant Attorney General; and James D. Coil, Assistant Black Hawk County Attorney, for appellee.

Considered by Snell, P.J., and Hayden, and Sackett, JJ.

PER CURIAM

Defendant Todd Alan Ambrose appeals from his conviction for delivery of a controlled substance following a jury trial. His sole contention on appeal is the trial court should have determined as a matter of law that the activities of the law enforcement officers were sufficiently provocative to induce the normal law-abiding person to commit the crimes charged and the trial court erred in refusing to grant his motion of acquittal.

A trial court is required to determine the question of entrapment as a matter of law when there is no dispute as to the operative facts or the inferences to be drawn therefrom. State v. Baumann, 236 N.W.2d 361, 364 (Iowa 1975); State v. Mullen, 216 N.W.2d 375, 382 (Iowa 1974). However, where the evidence is in dispute with relation to such facts or inferences, a court is required to submit the issue of entrapment to the jury. Baumann, 236 N.W.2d at 364; Mullen, 216 N.W.2d at 382.

Iowa utilizes the "objective" standard for determination of an entrapment question. State v. Leonard, 243 N.W.2d 75, 79-80 (Iowa 1976). Entrapment occurs when a law enforcement agent induces the commission of an offense, using persuasive or other means likely to cause normally law-abiding persons to commit the offense. Id. at 79. Conduct merely affording one an opportunity to commit an offense does not constitute entrapment. Id. at 80; Baumann, 236 N.W.2d at 363. The purpose of adopting the objective test was to curb improper law enforcement techniques. Id.

We find the testimony of law enforcement personnel concerning their contacts with defendant shows the evidence bearing on the question of entrapment and the inferences to be drawn from that evidence was in dispute. Therefore, the trial court did not err in submitting the entrapment issue to the jury for

resolution. Baumann, 236 N.W.2d at 364. Because the evidence was in dispute, the existence or nonexistence of entrapment was a question of fact for the jury to resolve. State v. Robinson, 288 N.W.2d 337, 341 (Iowa 1980).

Defendant's motion for directed verdict was properly denied and defendant is not entitled to relief.

AFFIRMED.