IN THE COURT OF APPEALS OF IOWA

No. 1-550 / 91-530

FILED
FEB 25 1992
CLERK SUPREME COURT

863

STATE OF IOWA,

Appellee,

vs.

KEITH R. TITUS,

Appellant.

Appeal from the Iowa District Court for Floyd County, Gilbert K. Bovard and Ralph F. McCartney, Judges.

Titus appeals his convictions, following a bench trial, for possession of methamphetamine and possession of marijuana. **AFFIRMED.**

Roger L. Sutton, Charles City, for appellant.

Bonnie J. Campbell, Attorney General, Ann E. Brenden, Assistant Attorney General, Karl Horn, County Attorney, and Douglas Hammerand, Special Prosecutor, for appellee.

Considered by Oxberger, C.J., and Hayden and Habhab, JJ.

HAYDEN, J.

The Floyd County Sheriff obtained a search warrant for the rural residence of Cheryl Wilson. The warrant authorized the sheriff to search for drugs in the house, outbuildings, and any vehicles on the premises.

Defendant Keith Titus was present at the Wilson home when the officer executed the search warrant. Titus's car was parked on the premises. The officer searched Titus's car and found a substance later identified as methamphetamine. Titus was arrested and taken to the county jail. During a search incident to incarceration proceedings, officers found marijuana on Titus's person.

Titus was charged with possession of methamphetamine and possession of marijuana. After a bench trial he was convicted of both charges.

Titus appeals, contending the district court erred in failing to suppress the methamphetamine and the marijuana because both pieces of evidence resulted from illegal searches. We affirm.

Our review of the district court's suppression ruling is de novo which permits an independent evaluation of the totality of the circumstances as shown by the entire record. State v. Vinick, 436 N.W.2d 350, 353 (Iowa 1989).

To show probable cause for the issuance of a search warrant for a particular place, the person requesting the warrant must establish by reasonable inference there is a nexus between the place to be searched and the items to be

seized. State v. Ballew, 456 N.W.2d 230, 231 (Iowa App. 1990). In the present case, the search warrant was issued upon a sworn statement of an undercover agent who described purchasing marijuana and methamphetamine at the Wilson residence. The warrant explicitly included "all vehicles on the property." Defendant argues there was no nexus between his vehicle and the drugs seized.

"The nexus can be established by considering the nature of the crime and the items to be seized, the defendant's opportunity for concealing these items, and normal inference about where such items might be concealed." Id. The facts in the affidavit supported the inference drugs were being transported to and from the rural residence for purposes of sale. It was thus reasonable to search vehicles located on the premises. This is the same inference we upheld in Ballew.

Defendant argues the present case is distinguishable from Ballew, however, because the warrant in Ballew was restricted to vehicles owned by the occupants of the home. This distinction is without merit. It does not negate the reasonable inference drugs may be transported to and from a residence in vehicles, including vehicles owned by someone other than the occupant, which is particularly true following a drug sale. As such, all vehicles on the premises have the requisite nexus to establish probable cause for the issuance of a search warrant.

Finally, defendant argues the marijuana found on his person should have been suppressed because it was not seized in a search incident to a valid arrest. Defendant alleges the illegal search of his car rendered his arrest invalid. We disagree. As previously determined, the search of defendant's vehicle which uncovered the methamphetamine was conducted pursuant to a valid warrant. The subsequent search of defendant was a search incident to a valid arrest. See State v. Shane, 255 N.W.2d 324, 326 (Iowa 1977).

AFFIRMED.