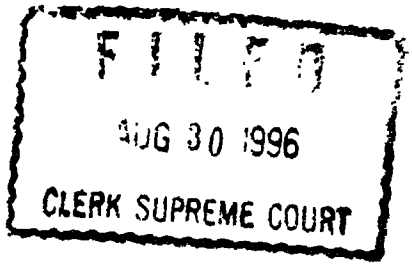
IN THE COURT OF APPEALS OF IOWA

No. 6-529 / 95-1754



STATE OF IOWA,

Appellee,

vs.

CANDICE MARIE VANDERMILLEN,

Appellant.

Appeal from the Iowa District Court for Linn County, Jane F. Spande, Judge.

Candice Vandermillen appeals the judgment and sentence entered upon her conviction of operating a motor vehicle while license barred. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Patricia Reynolds, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Karen Doland, Assistant Attorney General, Denver D. Dillard, County Attorney, and William C. Croghan, Assistant County Attorney, for appellee.

Considered by Habhab, P.J., Huitink, and Vogel, JJ.

PER CURIAM

This is an appeal by a defendant claiming the district court erred in denying her motion to suppress evidence as a result of a stop allegedly made without reasonable cause. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On June 5, 1995, members of the Linn County Sheriff's Department and emergency personnel were at the scene of an accident near Palo. Cyrus Blackwolf was injured in the accident, and he stated he wanted his wife to drive him to the hospital. Sergeant William Mau heard from emergency personnel that Blackwolf's wife was expected to drive by in a small, red car. Shortly thereafter, a red car went by and someone said, "There goes his wife." Mau then directed deputy Richard Yoder to stop the vehicle.

Yoder stopped the vehicle, a red Thunderbird, and asked the driver if she was Mrs. Blackwolf, which she denied. Yoder asked for a driver's license and registration. He then learned the driver was Candice Vandermillen and that her driver's license had been barred. She was subsequently charged with driving while barred, in violation of Iowa Code sections 321.560 and 321.561.

Vandermillen filed a motion to suppress the results of the stop, claiming the stop was made without reasonable cause. The district court denied the motion. Defendant was convicted of the crime charged. She now appeals.

Vandermillen claims the district court erred in denying her motion to suppress. She states that once deputy Yoder learned she was not Mrs. Blackwolf, the reason for the stop was terminated. She asserts there was no reason to ask to see her driver's license and registration because the original reason for the stop did not involve any suspicion of illegality.

We find it was permissible for the deputy to stop defendant to determine whether she was related to an accident victim, and that this may be considered part of an officer's community caretaking functions. *See State v. Mitchell*, 498 N.W.2d 691, 694 (Iowa 1993). Section 321.174(3), requires all persons operating a motor vehicle to have immediate possession of a valid driver's license, and to display the license upon the demand of a peace officer. Even if the original cause for a stop is due to a mistake of fact, an officer may request a driver to produce a driver's license. *State v. Jackson*, 315 N.W.2d 766, 767 (Iowa 1982).

We find no error in the district court decision to deny the motion to suppress. We affirm defendant's conviction for driving while barred. Costs of this appeal are assessed to defendant.

AFFIRMED.