IN THE COURT OF APPEALS OF IOWA

No. 6-612 / 95-1909

FILED
NOV 27 1996
CLERK SUPREME COURT

STATE OF IOWA,

Plaintiff-Appellee,

vs.

CHRISTOPHER CHARLES SKRIVER,

Defendant-Appellant.

Appeal from the Iowa District Court for Linn County, August F. Honsell and Lynne E. Brady, Judges.

Christopher Skriver appeals from his conviction, following a bench trial, for delivery of a controlled substance (marijuana). **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Annette L. Hitchcock, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Robert P. Ewald, Assistant Attorney General, Denver D. Dillard, County Attorney, and Jerry Vander Sanden, Assistant County Attorney, for appellee.

Considered by Sackett, C.J., and Cady and Streit, JJ.

PER CURIAM

This is an appeal by a defendant challenging his conviction for the crime of delivery of a controlled substance (marijuana), in violation of Iowa Code section 124.401(1)(d). We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On November 10, 1994, Cedar Rapids police officers received a report from a confidential informant that a delivery of marijuana was going to be made at the home of Don Lane that evening. Officers put the house under surveillance. Christopher Skriver arrived at the residence and left a short time later. Skriver was subsequently stopped by officers and a pat down search was conducted. Officers found $450 in one pocket and $560 in another pocket. Lane admitted he had purchased marijuana from Skriver for $450. A later search of Skriver's jacket revealed an additional amount of marijuana and $2900.

The district court denied Skriver's motion to suppress evidence obtained in the pat down search and motion to compel the State to reveal the identity of the confidential informant. The case proceeded to a bench trial on stipulated evidence. Skriver was convicted of delivery of a controlled substance. He was given a suspended sentence and placed on probation. He now appeals.

I. Skriver contends the district court erred by admitting evidence which resulted from an unlawful stop. He asserts police officers did not have reasonable

grounds to stop him because there was no indication the informant's tip was reliable. He points out there was no independent corroboration of the informant's information.

An informant's reliability can be established on the basis of a showing that the informant has provided reliable information in the past. *State v. Niehaus*, 452 N.W.2d 184, 190 (Iowa 1990). An informant's reliability can also be established by corroboration of the information received. *State v. Nelson*, 480 N.W.2d 900, 902 (Iowa App. 1991). Here, the informant had provided reliable information about Lane in the past. Also, the information was corroborated when, at the time and place of the anticipated drug delivery, officers saw someone enter the house, stay for a short time, and then leave. Furthermore, the informant was not paid for the information.

II. Skriver claims the scope of the pat down search was unreasonable. He states the officer was seeking evidence and not merely weapons during the search. The area where the stop occurred was known for violence and drug activity. We find the officer was justified in patting down Skriver to determine if he had any weapons. In making the search, the officer felt a wad of money in Skriver's pocket and pulled it out. Because the identity of the object was immediately apparent to the officer, he was justified in seizing it. *See State v. Scott*, 518 N.W.2d 347, 349 (Iowa 1994). We have already found the search was justified and need not address defendant's claims based on the exigent circumstances exception.

III. Finally, Skriver contends the district court should have granted his motion to compel disclosure of the informant's identity. He believes the informant was an eyewitness to his visit with Lane and the identity of the informant is essential for his defense. The State points out that Skriver was given the names of the persons present at Lane's home on the evening of the delivery. The State resists identifying the informant.

The State is privileged to withhold the identity of a person who furnishes information relating to violation of the law. *State v. Robertson*, 494 N.W.2d 718, 722 (Iowa 1993). When the defendant requests disclosure of an informant's identity, the State's interest in the informer's privilege is balanced against the defendant's need for an informant's identity to prepare and present a meaningful defense. *Id.* at 723. Here, Skriver only speculates the informant may be helpful in preparing his defense. We find this is not sufficient to outweigh the State's interest in the informer's privilege.

We affirm Skriver's conviction. Costs of this appeal are assessed to Skriver.

AFFIRMED.