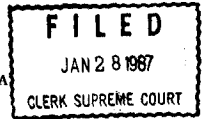


IN THE COURT OF APPEALS OF IOWA



STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed January 28, 1987
vs.	)	* 123
FORREST CLYDE BOXWELL,	)	<u>6-473</u>
Defendant-Appellant.	)	86-87

Appeal from the Iowa District Court for Linn County (9426) - Thomas M. Horan and Van D. Zimmer, Judges.

Defendant appeals his conviction, following a bench trial, of operating a motor vehicle while intoxicated and driving with a suspended license.
AFFIRMED.

Charles Harrington, Chief Appellate Defender, and Raymond E. Rogers, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Lona Hansen, Assistant Attorney General, for plaintiff-appellee.

Considered by Donielson, P.J., Schlegel, and Sackett, JJ.

PER CURIAM

The defendant appeals his conviction, following a bench trial, of operating a motor vehicle while intoxicated and driving with a suspended license. We affirm.

On July 29, 1985, a police officer driving south on a main thoroughfare observed the defendant's truck about two blocks ahead at a stop sign on a side street. The officer noticed that the truck remained stopped despite the lack of cross-traffic and that the driver's head was bobbing up and down. As the officer turned onto the side street to further investigate, he recognized the defendant. The officer had assisted in arresting the defendant about two years earlier for an alcohol-related offense and had heard on his car radio about two months earlier that the defendant's license had been suspended. The officer decided to stop the vehicle, but apparently did not address the defendant by name until identification was provided. After smelling alcohol on the defendant's breath, the officer gave him a series of field sobriety tests, which he failed. A subsequent breath test revealed that the defendant had an alcohol concentration of .166, and a check revealed that his license was still under suspension.

The defendant was accused of second-offense operating a motor vehicle while intoxicated and driving with a suspended license. Prior to trial, the defendant filed a motion to suppress any evidence obtained as a result of the illegal investigatory stop. The officer supplied the following reasons for stopping the defendant's vehicle: "The length that the vehicle was at the stop sign, the bobbing of the head, and knowing Mr. Boxwell's drinking problem, plus the fact I had been advised that he was under suspension." The trial court determined that the stop was reasonable and overruled the defendant's motion. Following a bench trial on the minutes of testimony, the trial court found the defendant guilty on both counts and pronounced sentence accordingly.

The defendant contends that the trial court erred in failing to suppress evidence obtained as a result of the investigatory stop since the officer lacked articulable facts necessary for a reasonable belief that he had committed a crime. He argues that the officer should not have been allowed to use a two-year-old arrest as a basis for stopping his truck. Likewise, he asserts that the officer should not have been able to rely upon a two-month-old radio report to stop him where the officer was not even aware of the length of the suspension. The defendant further suggests that his long stop and bobbing head were perfectly consistent with normal driving practices. Finally, since the officer admitted that he did not stop the defendant for violating any traffic or faulty equipment laws, the defendant maintains that the stop was based on mere suspicion rather than reasonable cause. As such, he believes that any evidence gained as a result of the stop should have been suppressed as the fruits of an illegal seizure.

An officer must have reasonable grounds to make an investigatory stop. State v. Aschenbrenner, 289 N.W.2d 618, 619 (Iowa 1980). Officers may rely on information received from other police officers in the course of their duties. State v. Schubert, 346 N.W.2d 30, 32 (Iowa 1984).

Given the police officer's observation of defendant's long wait at the stop sign, the bobbing head of defendant, the officer's belief that the defendant's license was suspended and the officer's knowledge of the defendant's alcohol problem, there was certainly a specific and articulable reason to believe that defendant might have been committing the offense of OWI while his license was suspended. Since there were reasonable grounds for the stop, the trial court did not err in overruling defendant's motion to suppress.

AFFIRMED.