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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,

Appellee,

v.

RAYMOND SLOCUM,

Appellant.

Filed October 7, 1977

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59906

Appeal from Polk District Court - A. B. Crouch, Judge.

Appeal from conviction and sentence on three counts of possession with intent to deliver a controlled substance. Defendant asserts that trial court erred in overruling his motion to suppress the fruits of a warrantless search. Affirmed.

Richard C. Turner, Attorney General of Iowa, Faison Sessoms, Assistant Attorney General, and Dan Johnston, Polk County Attorney, for appellee.

James P. Piazza, of Des Moines, for appellant.

Heard by Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

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Defendant appeals his convictions and resulting sentences on three counts of possession with intent to deliver a controlled substance, contrary to section 204.401(1), The Code. The sole error assigned concerns an order of the trial court overruling a motion to suppress evidence obtained as a result of a warrantless search of defendant's automobile by police officers. We affirm the trial court.

Defendant's argument is two-pronged. First, he contends that although he signed a written consent to search his automobile, this was not a voluntary waiver of his fourth amendment rights but rather a submission to claim of lawful authority. Second, he claims the actual search went beyond the scope of the consent.

I. We agree that the search can be upheld only if there was a valid consent by defendant. It was not an "inventory" search. The principles involved in a valid consent to search are fully discussed in State v. Ahern, 227 N.W.2d 164 (Iowa 1975). In application of these principles to the facts of the instant case we agree with the trial court that there was a sufficient waiver of defendant's fourth amendment rights, knowingly and voluntarily made by him, to justify the search of his automobile including the trunk and its contents.

II. Defendant next urges that a fair interpretation of his consent to search required that any search pursuant thereto be performed where the car was located at or about the time consent was given. While the officers commenced the search at the vacinity where the consent was given, the car was subsequently towed to auto body shop and the search continued there. It was at the latter location that the drugs were discovered. The defendant was aware of the fact that the trunk of his car was being searched at the original location as he was being taken away to jail. He also testified at the hearing to suppress evidence that he knew the car was going to be towed away prior to the time he left the scene enroute to jail and that the party who was to do the towing had arrived. We believe that one who gives police officers permission to search his automobile should reasonably assume that the search will continue until completed. It does not appear to be unusual that, when the party engaged to tow the car arrived, the removal of the car would take place at that time and any uncompleted search resumed at the spot where the car was to be stored. If the defendant had a contrary notion in terms of the authorization given we believe he should have communicated this fact to the officers, failing which the original consent remained operative.

We have considered all claims presented and find no basis for reversal.

AFFIRMED.