

**IN THE COURT OF APPEALS OF IOWA**

No. 7-321 / 06-0844  
Filed May 23, 2007

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**JERMAINE DAVONN HOWARD,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Woodbury County, Duane E. Hoffmeyer, Judge.

Jermaine Howard appeals from the judgment entered on his convictions for three drug charges. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Dennis D. Hendrickson and Robert Ranschau, Assistant Appellate Defenders, for appellant.

Thomas J. Miller, Attorney General, Sharon Hall, Assistant Attorney General, Patrick Jennings, County Attorney, and Brigit M. Barnes and Mark C Campbell, Assistant County Attorneys, for appellee.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

**BAKER, J.**

Following a jury trial, Jermaine Howard was found guilty of conspiracy to possess with intent to deliver cocaine base (more than ten grams), possession of marijuana, and a drug tax stamp violation. See Iowa Code §§ 124.401(1)(b)(3), 124.411, 124.401(5), 453B.12 (2005). On appeal, he only asserts the insufficiency of the evidence supporting the convictions. We review this claim for correction of errors at law. *State v. Rohm*, 609 N.W.2d 504, 509 (Iowa 2000).

Howard maintains the facts of this case are similar to those in *State v. Nickens*, 644 N.W.2d 38, 40 (Iowa Ct. App. 2002), in which we reversed the defendant's convictions for conspiracy, possession with intent to deliver crack cocaine, and a tax stamp violation. There, upon executing a search warrant at a residence, Nickens was discovered sleeping in a bedroom; however, significantly, none of the relevant incriminating evidence was located in that room and some of it was hidden within and under furniture. *Id.* We held this evidence insufficient to establish his possession of those items or that he had entered into a conspiracy to possess and deliver the drugs. *Id.* at 42.

This case is distinguishable from *Nickens*. Here, when police officers entered a residence from which a smell of marijuana was emanating, Howard was observed exiting a bathroom. Incriminating evidence was discovered both in plain sight and secreted throughout the residence, including in the bathroom. In addition, Howard's fingerprints were found to be on two baggies that, according to officers, were being used in the packaging of drugs. We find the evidence sufficient to support each of the convictions and therefore affirm.

**AFFIRMED.**