

**IN THE COURT OF APPEALS OF IOWA**

No. 8-1048 / 08-0858  
Filed January 22, 2009

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

**vs.**

**RANDY ALLEN CORRY,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Woodbury County, Timothy T. Jarman, District Associate Judge.

A defendant appeals from judgment and sentence entered following his convictions for driving while barred and driving while revoked. **AFFIRMED.**

Jack Faith, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Linda Hines, Assistant Attorney General, Patrick Jennings, County Attorney, and Marti Sleister, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., and Mahan and Miller, JJ.

**VOGEL, P.J.**

Randy Corry appeals from judgment and sentence entered following his convictions for driving while barred in violation of Iowa Code section 321.561 (2005) and driving while revoked in violation of Iowa Code section 321J.21. He argues that the district court should have granted his motion to suppress all evidence obtained as a result of the stop of his vehicle. Because his claim raises constitutional issues, our review is de novo. *State v. Kinkead*, 570 N.W.2d 97, 99 (Iowa 1997).

At approximately 12:45 a.m. on October 27, 2006, Officer Rick Kinnaman of the Sioux City Police Department observed a vehicle being driven without permanent license plates, a violation of Iowa Code section 321.37(1). Officer Kinnaman activated his lights and initiated a traffic stop. Only after activating his lights, could Officer Kinnaman observe a paper in the rear window, but still could not discern what it was or read it. Subsequently, Officer Kinnaman identified the driver as Corry.

We find that the district court properly admitted the evidence resulting from the stop of Corry's vehicle. Our Supreme Court previously discussed two similar cases:

This court has previously determined in *State v. Lloyd*, 701 N.W.2d 678 (Iowa 2005), and *State v. Jackson*, 315 N.W.2d 766 (Iowa 1982), that a valid investigatory stop may be made to check the registration of a motor vehicle being operated without license plates. Although in those cases a temporary paper registration plate was displayed in the vehicle's rear window, the officer had not noticed the presence of the temporary registration prior to initiating the stop. We held in each of those cases that the officer's inability to detect the temporary registration was an objectively reasonable mistake and the stop based on the absence of a license plate was

not only based upon reasonable suspicion but in fact was premised on probable cause.

*State v. Andrews*, 705 N.W.2d 493, 495 (Iowa 2005).

Corry argues that the temporary paper registration plates were in fact visible. However, his argument is not supported by the record. Officer Kinnaman testified that only after he initiated the traffic stop could he see a paper in the rear window, yet he still could not discern what it was or read it. Officer Kinnaman's testimony is supported by the video from his patrol car, which demonstrates that after Officer Kinnaman activated his lights, a white object was visible but it was not possible to determine what it was due to the glare on the window. Additionally, we note that the district court specifically made a credibility finding, stating: "The court finds the officer's testimony to be very credible with respect to his claim that he had not observed the temporary paper plates in the windows of the defendant's vehicle prior to initiating the traffic stop."

Because we agree with the district court's careful fact finding and application of the law, we affirm pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), and (e).

**AFFIRMED.**