

IN THE COURT OF APPEALS OF IOWA

No. 9-055 / 08-1039
Filed March 11, 2009

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JEFFREY ALAN PEDEN,
Defendant-Appellant.

Appeal from the Iowa District Court for Jasper County, Thomas W. Mott, District Associate Judge (trial) and Dale Hagen, Judge (motion to suppress).

Jeffrey Peden appeals his conviction for driving while barred. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and E. Frank Rivera, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Darrel Mullins, Assistant Attorney General, Steve Johnson, County Attorney, and Susan Wendel, Assistant County Attorney, for appellee.

Considered by Sackett, C.J., and Potterfield and Doyle, JJ.

POTTERFIELD, J.**I. Background Facts and Proceedings**

Around 11:00 p.m. on February 8, 2008, Officer Matthew Aswegan was traveling in the left lane on Highway 163. He was approximately one car length behind a car driven by Jeffrey Peden in the right lane. Aswegan noticed that the digits on Peden's license plate were blurred because of the construction of the license plate cover.¹ Aswegan pulled directly behind Peden's vehicle and was able to read the plate from that perspective. Aswegan pulled Peden over. When Aswegan asked for Peden's license, insurance, and registration, Peden admitted to Aswegan that his license was barred.² Peden was charged with driving while barred, in violation of Iowa Code section 321.561 (2007).³ Aswegan also issued Peden a warning for the license plate cover.

Peden filed a motion to suppress evidence obtained subsequent to the traffic stop, arguing that Aswegan did not have reasonable suspicion that Peden was engaged in criminal activity and that he was illegally detained. The district court denied Peden's motion to suppress, finding Aswegan had probable cause to make the traffic stop and properly asked for Peden's identification and registration. Peden appeals, arguing that his constitutional right against unreasonable seizures was violated due to the district court's improper interpretation of relevant Iowa Code sections.

¹ In response to speed and red light cameras, several companies created special license plate covers that are designed to block a camera from reading the license plate.

² Peden also later admitted that he had methamphetamine and paraphernalia on his person.

³ Peden was also charged with possession of methamphetamine, in violation of Iowa Code section 124.401(5), but that charge is not at issue on appeal.

II. Standard of Review

Though we generally review constitutional issues de novo, there are no factual issues in this case. *State v. Tovar*, 656 N.W.2d 112, 114 (Iowa 2003). We review whether the district court correctly interpreted statutes relating to license plate laws.

III. Analysis

“When a peace officer observes a violation of [Iowa] traffic laws, however minor, the officer has probable cause to stop a motorist.” *State v. Tague*, 676 N.W.2d 197, 201 (Iowa 2004). “Probable cause exists if the totality of the circumstances as viewed by a reasonable and prudent person would lead that person to believe that a crime has been or is being committed” *State v. Bumpus*, 459 N.W.2d 619, 624 (Iowa 1990).

Iowa Code section 321.37 states, “It is unlawful for the owner of a vehicle to place any frame around or over the registration plate which does not permit full view of all numerals and letters printed on the registration plate.” Iowa Code section 321.38 requires that all registration plates be “in a place and position to be clearly visible and . . . free from foreign materials and . . . clearly legible.”

Peden asserts that neither statute provides any requirements as to angles or distances from which the license plate must be legible and viewable. Thus, he argues that the district court’s interpretation of the application of the statutes was too broad, and the district court was incorrect in its legal conclusion that the license plate cover violated sections 321.37 and 321.38.

“When the text of a statute is plain and its meaning clear, the court should not search for a meaning beyond the express terms of the statute.” *State v.*

Schultz, 604 N.W.2d 60, 62 (Iowa 1999). We agree with the district court that both statutes at issue apply in Peden's case. The statutes plainly state that the license plate must be in full view, clearly visible, and clearly legible. A license plate that is legible only from certain angles does not comply with these requirements. Aswegan had probable cause to believe that Peden was violating either section 321.37 or 321.38.

Peden also asserts that he was illegally detained when Aswegan asked for identification and registration after he discovered that Peden's plate could be read. "Once a lawful stop is made, an officer may conduct an investigation reasonably related in scope to the circumstances which justified the interference in the first place." *State v. Aderholdt*, 545 N.W.2d 559, 563 (Iowa 1996) (internal quotation omitted). A reasonable investigation includes asking for the driver's license and registration. *Id.* at 563-64. Thus, Aswegan's lawful stop legally allowed him to ask for Peden's license and registration. The district court properly denied Peden's motion to suppress.

AFFIRMED.