

IN THE COURT OF APPEALS OF IOWA

No. 3-621 / 13-0138
Filed September 5, 2013

**IN THE INTEREST OF D.J.,
Minor Child,**

**D.J., Minor Child,
Appellant.**

Appeal from the Iowa District Court for Scott County, Cheryl Traum,
District Associate Judge.

D.J. appeals from an adjudication of delinquency for assault while
displaying a weapon. **AFFIRMED.**

Joel A. Walker, Davenport, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney
General, Michael Walton, County Attorney, and Will R. Ripley, Assistant County
Attorney, for appellee.

Considered by Vogel, P.J., and Vaitheswaran and Bower, JJ.

BOWER, J.

D.J. was adjudicated delinquent for assault while displaying a weapon¹. On appeal, D.J. argues the State failed to prove guilt beyond a reasonable doubt and the court erred in rejecting a claim of self-defense. After a review of the record, we affirm.

I. Background Facts and Proceedings

On October 26, 2012, a delinquency petition alleging a single count of assault while displaying a weapon was filed against D.J. During the adjudicatory hearing the State called two witnesses. The first witness was J.B., the alleged victim. J.B. testified that while walking in the hall at school a confrontation occurred with D.J. During the confrontation, witnessed by a number of students, J.B. alleged D.J. pulled a knife, held it close to J.B.'s neck, and threatened to stab J.B. Eventually bystanders separated the two.

The State also called Officer Sharif (Sharif) of the Davenport Police Department, who had viewed a cell phone video of the incident taken by another student. Sharif testified D.J. and J.B. were in a crowd of people and appeared to be arguing, when D.J. took out a knife and held it in the face of J.B. Though he admitted the video did not capture the beginning of the incident, Sharif testified J.B. did not appear to be acting in an aggressive manner.

D.J.'s mother was called as a defense witness and testified there was bad blood between the two families. D.J. also testified and claimed to have been a

¹ D.J. was accused of assault while displaying a weapon, in violation of section 708.2(3) of the Iowa Code (2011). The section states it is an aggravated misdemeanor when an individual commits an assault and uses or displays a dangerous weapon in connection with the assault.

prior victim of an assault by members of J.B.'s family. D.J. further claimed J.B. began the confrontation and, because J.B. was accompanied by several friends, D.J. feared another assault would occur. Finally, D.J. admitted to pulling the knife, but, in self-defense.

II. Standard of Review

We review juvenile delinquency proceedings de novo. *State v. Tesch*, 704 N.W.2d 440, 447 (Iowa 2005).

III. Discussion

D.J. argues the State failed to prove guilt beyond a reasonable doubt and the evidence supported a claim of self-defense, which the State failed to rebut.

A. Sufficiency of the Evidence

D.J.'s sufficiency of the evidence claim rests upon the fact the State called only two witnesses. D.J. argues there were many other witnesses and the State's failure to call them renders the evidence insufficient. We disagree. The State offered the testimony of the victim, J.B. Testimony of a victim need not be corroborated. Iowa R. Evid. 2.21(3). Testimony by the victim can be enough, standing alone, to establish guilt. *State v. Hildreth*, 582 N.W.2d 167, 171 (Iowa 1998). The victim credibly testified D.J. made a threat using a knife, which put J.B. in fear of harm. Coupled with Sharif's testimony of the contents of the video showing the same, we find the allegations were proved beyond a reasonable doubt.

B. Self-Defense

“Self-defense is a doctrine of necessity which seeks to excuse or justify a [crime].” *State v. Badgett*, 167 N.W.2d 680, 683 (Iowa 1969). “A person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to defend oneself or another from any imminent use of unlawful force.” Iowa Code § 704.3. Our supreme court has long held once a defendant presents any evidence on the issue of self-defense, the State then has the burden to disprove self-defense beyond a reasonable doubt. See *State v. Vick*, 204 N.W.2d 727, 731 (Iowa 1973); *State v. Sharp*, 103 N.W. 770, 770 (Iowa 1905).

D.J. testified he acted in self-defense. At that point, it became the State’s burden to disprove the defense. We find the State did so. Sharif testified J.B. was not acting in an aggressive manner on the video, which includes the time immediately before D.J. pulled the knife. Coupled with credible testimony by J.B., there is sufficient evidence to conclude D.J. was not acting in self-defense but instead was the aggressor.

AFFIRMED.