

**IN THE COURT OF APPEALS OF IOWA**

No. 6-379 / 05-1442  
Filed June 28, 2006

**IN THE INTEREST OF B.J.H.,  
Minor Child,**

**B.J.H., Minor Child,  
Appellant.**

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Appeal from the Iowa District Court for Iowa County, Jane F. Spande,  
District Associate Judge.

A juvenile appeals a juvenile court decision finding he committed the  
delinquent act of criminal mischief in the third degree. **AFFIRMED.**

Fred Stiefel, Victor, for appellant minor child.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney  
General, Lewis McMeen, County Attorney, and Timothy McMeen, Assistant  
County Attorney, for appellee State.

Considered by Sackett, C.J., and Huitink and Miller, JJ.

**HUITINK, J.**

Brennan appeals a juvenile court decision finding he committed the delinquent act of criminal mischief in the third degree in violation of Iowa Code sections 716.1(1) and 716.5 (2003). We affirm.

**I. Background Facts and Proceedings**

Brennan and Travis were friends and high-school classmates. Travis borrowed five dollars from Brennan one day in December 2004 to buy a sandwich. On the morning of December 20, 2004, Brennan told classmates Blake and Amanda he “was going to do something” to Travis’s car because Travis owed him \$200. Brennan was angry and said he wanted to slash the tires of Travis’s car or “key” his car (make scratch marks on the car’s paint with a sharp, hard instrument such as a car key).

That afternoon, Amanda told Travis what Brennan had said. Travis did not take the comments as a serious threat. In the weight room after school, Brennan admitted to Blake that Travis only owed him (Brennan) five dollars. Brennan told Blake he had “keyed” Travis’s car “all over the hood and on the sides.” Blake went home after lifting weights without speaking to Travis or looking at his car. When Blake returned to the school for a basketball game that evening, he saw the damage to Travis’s car and told Travis of the damage and Brennan’s statements earlier that day. By that time, Travis had observed the damage to his car.

The school’s parking lot was dark when Travis returned to his car late in the afternoon. Upon driving the car to a lighted gas station, Travis observed long scratches across the hood and along both sides that had not been there when he

drove the car to school that morning. Damage to the car totaled in excess of \$1000.

Brennan denied damaging Travis's car. He gave the police the names of two alibi witnesses, students who would vouch for his presence over the noon hour on December 20. The police interviewed one of the two students, who reported he was not at school on the day in question.

A month or two after the incident, Travis informed Brennan how much it would cost to repair the damage. Brennan continued to deny damaging the car, but responded he would rather pay the damage on a weekly basis instead of a lump sum. He promised Travis, "You'll get your money." No payment ever took place, however, because Brennan's mother objected.

The State filed a petition accusing Brennan of being a juvenile delinquent for committing the act of third-degree criminal mischief. Following a hearing, the juvenile court entered an order adjudicating Brennan to be a juvenile delinquent. The court found Brennan's statements on the morning of the incident were "not a confession so as to necessitate corroboration," but instead were "merely a statement of intent." It further found the statements sufficient to corroborate Brennan's admission that afternoon that he had damaged Travis's car.

Brennan appeals, arguing his own statement of intention before the alleged crime was not sufficient to corroborate his admission after the crime.

## **II. Standard of Review**

Our review of juvenile delinquency proceedings is *de novo*. *In re W.B.*, 641 N.W.2d 543, 545 (Iowa Ct. App. 2001). We give weight to the fact-findings of the juvenile court, but we are not bound by them. *Id.* The State must prove

beyond a reasonable doubt that the child engaged in delinquent behavior. *In re D.L.C.*, 464 N.W.2d 881, 883 (Iowa 1991).

### **III. Discussion**

Under Iowa Rule of Criminal Procedure 2.21(4), an out-of-court confession “will not warrant a conviction, unless accompanied with other proof that the defendant committed the offense.” Corroboration “need not be strong nor need it go to the whole of the case, so long as it confirms some material fact connecting the defendant with the crime.” *State v. White*, 319 N.W.2d 213, 214 (Iowa 1982). “Although individual items of circumstantial evidence may be insufficient corroboration, the combination of the circumstances may permit [the fact-finder] to conclude the confession or admission was corroborated.” *State v. Liggins*, 524 N.W.2d 181, 187 (Iowa 1994).

We conclude the combination of circumstances in this case was sufficient to corroborate Brennan’s confession. We agree with the juvenile court that Brennan’s threat in front of two witnesses that he would either slash the tires of Travis’s car or “key” it corroborates his confession later that same day. See, e.g., *People v. Taylor*, 285 N.E.2d 489, 496-97 (Ill. Ct. App. 1972) (concluding testimony from three witnesses that defendant threatened to “blow up the house” was sufficient corroboration to establish defendant’s criminal responsibility for arson). The damage to Travis’s car was consistent with Brennan’s statements to Blake about where he had damaged it. One of Brennan’s alibi witnesses failed to provide him with an alibi. Finally, Brennan impliedly admitted to Travis that he was responsible for the damage by indicating his preference to pay for the damage on a weekly basis instead of making a lump sum payment. The

evidence before the juvenile court provided sufficient corroboration of Brennan's confession to Blake.

We affirm the decision of the juvenile court.

**AFFIRMED.**