

IN THE COURT OF APPEALS OF IOWA

No. 6-467 / 05-2094

Filed July 26, 2006

MICHELLE MULLER-REESE,
Petitioner-Appellee,

vs.

JOSEPH W. REESE,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Carla T. Schemmel,
Judge.

Joseph Reese appeals from an order finding he engaged in domestic
abuse and entering a final domestic abuse protective order. **AFFIRMED.**

Michael B. Oliver, Des Moines, for appellant.

Michelle Reese, Des Moines, pro se.

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

PER CURIAM

Joseph Reese appeals from an order finding he engaged in domestic abuse and entering a final domestic abuse protective order. He claims the trial court erred in finding he engaged in domestic abuse, because the record does not contain any substantial evidence he assaulted his wife, Michelle.

Our supreme court has held that a civil domestic abuse case is heard in equity and receives de novo review on appeal. See *Wilker v. Wilker*, 630 N.W.2d 590, 594 (Iowa 2001). In equity cases, especially when considering credibility of witnesses, we give weight to the fact findings of the district court, but are not bound by them. Iowa R. App. P. 6.14(6)(g). Upon giving appropriate weight to the district court's fact findings, and the credibility determinations implicit in those findings, we agree with the district court that Joseph engaged in domestic abuse by assaulting Michelle, as assault is defined in Iowa Code section 708.1(1) (2005). We therefore affirm the judgment of the district court.

AFFIRMED.