

**IN THE COURT OF APPEALS OF IOWA**

No. 8-160 / 07-1060  
Filed March 26, 2008

**IN THE INTEREST OF A.A.L.N.,  
Minor Child,**

**A.A.L.N., Minor Child,  
Appellant.**

---

Appeal from the Iowa District Court for Muscatine County, Gary P. Strausser, District Associate Judge, (adjudication) and Mary Howes, Judge (disposition).

A juvenile appeals following the district court's order adjudicating her delinquent. **AFFIRMED.**

Esther Dean, Muscatine, for appellant minor child.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Gary Allison, County Attorney, and Dana Christiansen, Assistant County Attorney, for appellee State.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

**MAHAN, P.J.**

Anjel appeals from the adjudicatory order finding her to be a juvenile delinquent and subsequent dispositional order by the district court. Upon our de novo review, we affirm.

**I. Background Facts and Proceedings.**

Anjel is the fourteen-year-old concerned in this case; she has been diagnosed with Oppositional Defiance Disorder (severe), ADHD, and Tourette's Syndrome, for which she has been prescribed medication but refuses to take it. At the time of the incident giving rise to adjudication, Anjel was attending classes through the Muscatine Learning Center (MLC), an alternative middle school. Anjel had attendance issues and behavioral difficulties in traditional educational surroundings, and the record demonstrates that this behavior continued during her time at the MLC. Protocol at MLC requires school employees to restrain the student and prohibit the student from leaving school grounds whenever the student poses a threat to herself or others. Both Anjel and her mother claim an agreement was made that staff allow Anjel to leave the facility when she became upset. The MLC staff denies that such an agreement existed.

On December 12, 2006, Anjel was already displaying combative behaviors by using profanity against a teacher when she first arrived. Anjel declined to participate in group community service with the other students and remained behind with a female teacher in a classroom. At some point, Anjel became increasingly upset, began removing items from a filing cabinet, and throwing the items around the room, along with her lunch against the wall. Anjel also called the teacher a rapist, a child molester, and a "ho." The teacher became alarmed

when Anjel became physical toward the teacher herself, nearing the teacher's desk, knocking over a drink on the desk, and attempting to destroy nearby items. In the words of the teacher, "There were things all over the room. . . . There was food all over. There's pop. There was all of the dirty words and just harassing comments written all over. Just complete chaos, disarray." As the teacher and three others called in to assist attempted to calm and subdue Anjel, she escalated the situation with MLC staff causing them to restrain her. Anjel continued to fight back, including head-butting, punching, pinching, biting, kicking, clawing, and scratching the staff, and threatening that "I'm going to get you." Due to Anjel's continuing behaviors, the police were called, and an officer was able to calm Anjel down after handcuffing and speaking with her. Anjel had some redness on her face and arms as a result of the incident, while the MLC staff experienced bruises, bite marks (including one breaking the skin), scratches, gouges, a swollen jaw lasting two weeks, and black eye and swollen nose lasting a month.

The State filed a petition for delinquency in February 2007, alleging four counts: counts I and II for assault causing injury under Iowa Code section 708.1(1) and 708.2(2) (2005), and counts III and IV for simple assault under sections 708.1(1) and 708.2(6). The district court concluded, despite Anjel's claims of self-defense, the evidence established beyond a reasonable doubt that Anjel committed the four delinquency acts as alleged and was adjudicated in May 2007. The court also found Anjel's justification defense was legally unavailable to her because she initially provoked the use of force against herself, with the intent to use the force as an excuse to inflict injury (section 704.6(2)) and she

initially provoked the use of force on herself by her unlawful acts (section 704.6(3)). The subsequent dispositional order placed Anjel on probation under the supervision of juvenile court services and released her to the care of her mother. Anjel now appeals her adjudication and subsequent disposition.

## **II. Scope and Standards of Review.**

Iowa juvenile delinquency proceedings are not criminal prosecutions, but are special proceedings that provide an ameliorative alternative to the criminal prosecution of children. *In re J.D.S.*, 436 N.W.2d 342, 344 (Iowa 1989). Our review of juvenile delinquency proceedings is de novo. *In re S.M.D.*, 569 N.W.2d 609, 610 (Iowa 1997). We give weight to the factual findings of the juvenile court, especially regarding the credibility of witnesses, but are not bound by them. *In re J.D.F.*, 553 N.W.2d 585, 587 (Iowa 1996). 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. Issue on Appeal.**

Anjel argues that the district court erred when it adjudicated her delinquent and entered a dispositional order. A “delinquent act” means: “The violation of any state law or local ordinance which would constitute a public offense if committed by an adult.” Iowa Code § 232.2(12)(a) (2005). Her primary contention is that her self-defense claim was substantiated and thereby vitiated any possible criminal liability for assaulting the staff members. We will uphold a finding of guilt if substantial evidence supports the verdict. *State v. Rohm*, 609 N.W.2d 504, 509 (Iowa 2000). “Substantial evidence is evidence upon which a rational finder of fact could find a defendant guilty beyond a reasonable doubt.”

*Id.* A person is justified in the use of reasonable force when the person reasonably believes such force is necessary to defend oneself or another from any imminent use of unlawful force. Iowa Code § 704.3. When self-defense has been raised in a case, the prosecution must establish nonexistence thereof beyond a reasonable doubt. *State v. Cruse*, 228 N.W.2d 28 (Iowa 1975); *In re N.W.E.*, 564 N.W.2d 451, 454 (Iowa Ct. App. 1997). The court rejected Anjel's self-defense claim because it found a justification defense inapplicable to the facts as presented, namely that she provoked the use of force against her by her own acts. We conclude the record supports the district court's conclusion. Anjel admitted she was acting out and attempting to aggravate the teachers. Although she denies ever throwing anything or otherwise physically threatening the teachers, the district court obviously found her version of events not credible in light of the other testimony. We therefore affirm her adjudication of delinquency on the four counts of the petition and affirm the subsequent dispositional order placing her on probation.

**AFFIRMED.**