

IN THE COURT OF APPEALS OF IOWA

No. 8-489 / 07-2084

Filed July 16, 2008

IN THE INTEREST OF M.A.H.,

Minor Child,

M.A.H., Minor Child,

Appellant.

Appeal from the Iowa District Court for Woodbury County, Mary Jane Sokolovkse, Judge.

A juvenile appeals a juvenile court order adjudicating him a delinquent.

AFFIRMED.

Molly Vakulskas Joly, Vakulskas Law Firm, P.C., Sioux City, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Patrick Jennings, County Attorney, and Dewey P. Sloan, Assistant County Attorney, for appellee.

Considered by Miller, P.J., and Vaitheswaran and Eisenhauer, JJ.

PER CURIAM

Following a dispositional hearing a juvenile, M.A.H., appeals a juvenile court order adjudicating him a delinquent child for committing the delinquent acts of interference with official acts, a simple misdemeanor in violation of Iowa Code section 719.1(1) (2007), and assault on a peace officer, a serious misdemeanor in violation of Iowa Code section 708.3A(4). As to each finding of delinquency, M.A.H. claims the juvenile court erred in finding sufficient evidence that he committed the delinquent act.

The State is required to prove beyond a reasonable doubt that M.A.H. engaged in the delinquent acts in question. Iowa Code § 232.47(10); *In re D.L.C.*, 464 N.W.2d 881, 883 (Iowa 1991). Our review is de novo. *In re S.M.D.*, 569 N.W.2d 609, 610 (Iowa 1997). We give weight to the fact findings of the juvenile court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 6.14(6)(g); *In re J.D.F.*, 553 N.W.2d 585, 587 (Iowa 1996). We do so because of the favorable vantage point of that court. *In re L.G.*, 532 N.W.2d 478, 480 (Iowa Ct. App. 1995).

This case turns largely on the credibility of witnesses. Implicit in the juvenile court's decision is a finding that the testimony of witnesses presented by the State is credible, and that M.A.H. lacks in credibility. A camera recorded some of the events described by witnesses. Although a part of M.A.H.'s version of the events finds some support in that rather blurred and difficult to view recording, other parts of his version are unsupported by or somewhat at variance with what seems to appear on the recording. Having fully considered the record as made before the juvenile court, upon our de novo review we fully agree with

the court's crucial findings and conclusions and find the State proved the delinquent acts beyond a reasonable doubt. We therefore affirm. See Iowa Ct. R. 21.29.

AFFIRMED.