

IN THE COURT OF APPEALS OF IOWA

FILED

JAN 29 1985

CLERK SUPREME COURT

IN RE THE INTEREST OF

)

Filed January 29, 1985

E.L.D., a Child,

)

4-559

84-858

Appellant.

)

---

Appeal from the Iowa District Court for Polk County - Vincent M. Hanrahan,  
Judge.

Juvenile appeals from an adjudication of delinquency challenging the  
sufficiency of the evidence presented that he participated in a burglary.  
AFFIRMED.

Thomas J. Miller, Attorney General of Iowa, and Charles K. Phillips,  
Assistant Attorney General, for the appellee State.

Heard by Schlegel, P.J., Hayden, and Sackett, JJ.

Juvenile appeals from an adjudication of delinquency challenging the sufficiency of the evidence presented that he participated in a burglary.

Our review of this proceeding is de novo. In Interest of Wheeler, 229 N.W.2d 241, 243 (Iowa 1975). Due process requires that the standard of proof in a delinquency proceeding be beyond a reasonable doubt. Id.

Office Roland of the Des Moines Police Department testified at the hearing that he saw E.L.D. and two other boys in the victim's backyard on January 26, 1984. The boys were in the middle of the backyard, approximately equidistant from the back door of the house and the alley, and were headed for the alley. One of the boys, not E.L.D., was carrying property later found to have been taken from the victim's home. Office Roland testified that the boys were walking together as a group and that there were footprints in the snow leading away from the back door. He originally stated that the footprints appeared to have been made by three individuals. He later revised his testimony and stated the footprints were definitely made by more than one individual, although he was not sure how many. Further investigation revealed that the back door of the house had been forcibly entered. The victim testified that none of the boys had his permission to enter the premises.

E.L.D. argues that there was insufficient evidence to support a finding that he participated in the burglary either as a principal or under the theory of aiding and abetting. While mere presence at the scene of the crime is not sufficient, State v. Barnes, 204 N.W.2d 827, 828 (Iowa 1972), in this case E.L.D. was not only present but was leaving the scene of the crime in the company of a person carrying stolen property with footprints leading to a door that had been forcibly opened. We believe the evidence was sufficient to convince a rational trier of fact that E.L.D. participated in a burglary.

AFFIRMED.