

IN THE COURT OF APPEALS OF IOWA

No. 1-037 / 90-1061

FILED

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CLERK SUPREME COURT

IN THE INTEREST OF T.B., A Child,
Appellant.

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Appeal from the Iowa District Court for Delaware
County, Lawrence H. Fautsch, District Associate Judge.

Juvenile appeals an adjudication of delinquency and a
dispositional order. **AFFIRMED.**

Daniel H. Swift, Manchester, for appellant.

Bonnie J. Campbell, Attorney General, Gordon E. Allen,
Deputy Attorney General, and Judy Sheirbon, Assistant
Attorney General, for appellee.

Heard by Oxberger, C.J., and Schlegel and Habhab, JJ.

SCHLEGEL, J.

T.B., a juvenile, appeals a juvenile court order finding him delinquent. The court determined that T.B. had committed criminal mischief in the third degree. T.B. contends that evidence introduced against him was seized in violation of the fourth amendment. We disagree and must, therefore, affirm the judgment and disposition made by the juvenile court.

On January 21, 1990, Manchester police received a report of a broken car window. Three sets of footprints appeared in the snow near the car. The investigating officers determined from the positioning of the footprints, all from different shoes, that an individual wearing Reebok tennis shoes was most likely to have been able to break the window.

Sergeant Glen Nystel followed the footprints to the home of T.B. T.B.'s mother permitted the officer inside the house and went to get T.B. Seeing a pair of wet Reebok shoes near the door, Sergeant Nystel picked up the left shoe and determined it was the same type of shoe which had made the footprints around the broken car window.

T.B. admitted that he and his friends had each consumed nearly a bottle of fortified wine before going on a destruction spree between 2:30 and 4:00 a.m., damaging neighborhood mailboxes and birdfeeders and breaking the car window. T.B. admitted that the shoe was his, but denied having broken the window.

Juvenile delinquency proceedings are not criminal prosecutions, but are special proceedings that serve as ameliorative alternatives to such prosecutions of children. In re J.D.S., 436 N.W.2d 342, 344 (Iowa 1989). Our review of juvenile matters is de novo. Id. at 343.

The main fighting issue is whether Sergeant Nystel's seizure and inspection of the shoe was an unreasonable search and seizure. His presence in the house clearly was with permission, and was therefore legitimate. See State v. Davis, 228 N.W.2d 67, 70-72 (Iowa 1975). His purpose for being in the house was to question the juvenile. The shoes were in plain view. Having inadvertently discovered the suspiciously wet pair of Reebok shoes in plain view, Sergeant Nystel properly examined them briefly to determine their relevancy. See State v. Holtz, 300 N.W.2d 888, 891 (Iowa 1981). We therefore hold that the search and seizure were not unreasonable and that the juvenile court did not err in admitting them into evidence.

We have considered the balance of T.B.'s arguments, and we find them without merit. The juvenile court properly found that T.B. was delinquent based upon charges of criminal mischief in the third degree.

AFFIRMED.