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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA, ex rel KIMBERLE R. WATERMAN,

Petitioner-Appellee,

vs.

ROGER LUHRING,

Respondent-Appellant.

Filed October 27, 1981

1-194
2-65361

Appeal from Bremer District Court - M. L. Mason, Senior Judge.

Defendant appeals from a judgment establishing his paternity. AFFIRMED.

Gary J. Boveia of the Boveia Law Offices, Waverly, Iowa, for respondent-appellant.

James A. Lally, Assistant County Attorney, Waterloo, Iowa, for petitioner-appellee.

Heard by Oxberger, C.J., and Donielson, Carter and Johnson, JJ.

PER CURIAM

Defendant appeals from a judgment establishing his paternity. He argues that the decision was not supported by substantial evidence in the record and should be reversed. We authorize the appeal pursuant to Iowa R. App. P. 2 and affirm the trial court.

Proceedings to establish paternity are tried as law actions; consequently, our review is not de novo but only for corrections of errors at law. State ex rel Brown v. Middleton, 259 Iowa 1140, 1141, 147 N.W.2d 40 (1966). The trial court's findings of fact have the effect of a special verdict and are binding on us if supported by substantial evidence. Wehling v. Rottinghaus, 204 N.W.2d 592, 593 (Iowa 1973). Iowa R. Civ. P. 14(f)(1). To determine if there is substantial evidence to support the judgment, the evidence is viewed in the light most favorable to the judgment, although we are not bound by the trial court's determinations of law. Moen v. McNamara, 272 N.W.2d 438, 439 (Iowa 1978); Kurtenbach v. TeKippe, 260 N.W.2d 53, 54 (Iowa 1977). Paternity may be established by a preponderance of the evidence; moreover, intercourse may be proven by the testimony of the prosecutrix alone and need not be corroborated. State ex rel Brown v. Middleton, 259 Iowa at 1142, 147 N.W.2d at 41.

In the present case the trial court found that a full-term baby was born to the prosecutrix, Kimberle Waterman, on January 11, 1977. The evidence showed that Kimberle and Roger Luhring, the defendant, had been intimate during the months of April and May, 1976, and that during that time the prosecutrix had sexual relations with no one other than defendant. Neither party used any contraceptives. Evidence relating to prosecutrix's last menstrual period was conflicting. It was in her trial testimony that this occurred in March 1976. Based on two hospital or clinic reports, conception took place in April of 1976. Defendant admitted to sexual relations with Kimberle during the time in question.

We think the evidence adduced at trial when viewed in the light most favorable to the verdict supports the trial court's finding of Roger Luhring's paternity.

AFFIRMED.