IN THE COURT OF APPEALS OF IOWA

No. 6-666 / 96-0463

FILED
NOV 27 1996
CLERK SUPREME COURT

**IN THE INTEREST OF C.S.C.,
A Minor Child,**

C.S.C.,

Appellant.

Appeal from the Iowa District Court for Woodbury County, Brian L. Michaelson and Mary L. Timko, Associate Juvenile Judges.

C.S.C. appeals the decision of the juvenile court which adjudicated him guilty of the delinquent acts of second-degree robbery, assault causing injury, and fifth-degree theft. **AFFIRMED.**

Michael K. Williams, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Dewey Sloan and Rhoda Tenuta, Assistant County Attorneys, for appellee.

Considered by Sackett, C.J., and Cady and Streit, JJ.

PER CURIAM

This is an appeal by a juvenile claiming the juvenile court should not have found he committed the delinquent acts of second-degree robbery, in violation of Iowa Code sections 711.1(1) and 711.3; assault, in violation of sections 708.1(1) and 708.2(2); and fifth-degree theft, in violation of sections 714.1(1) and 714.2(5). We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On October 16, 1995, Damien, who was then fifteen years old, was confronted by two boys who demanded he give them his Indiana Pacers jacket. Damien recognized one of the boys as Marty, and stated the other boy was wearing a Golden State Warriors jacket. Damien refused to turn over his jacket and ran away. About ten or fifteen minutes later, Damien was again confronted by Marty and a boy in a Warriors jacket. Marty struck Damien in the eye, and the boys then took his jacket from him. That same evening, police officers took Damien to see Marty and Carlos. Damien was unable to identify them.

On October 17, 1995, Damien told police officers Marty was one of the individuals involved. He later stated he thought Carlos was the other person. Damien identified Marty and Carlos from photographic arrays. When Carlos was taken into custody he was wearing a Warriors jacket. Damien made an in-court identification of Carlos. The juvenile court concluded Carlos committed the delinquent acts in question. Carlos was ordered to attend the State Training School for Boys.

Carlos appeals the adjudication of the juvenile court. He contends there was insufficient evidence in the record to support the juvenile court's conclusions. He believes Damien's identification of him was unreliable, and points particularly to the fact Damien was unable to identify him on the same evening as the incident.

Our scope of review in juvenile delinquency matters is de novo. *In re D.L.C.*, 464 N.W.2d 881, 882 (Iowa 1991). We give weight to the factual findings of the juvenile court, especially when considering the credibility of witnesses, but are not bound by them. *In re J.D.S.*, 436 N.W.2d 342, 343 (Iowa 1989).

On our de novo review, we find there is sufficient evidence to show Carlos committed the delinquent acts in question. Damien positively identified Carlos as one of the two boys who confronted him the first time. Although Damien did not get a good look at the person with Marty when he was confronted the second time, he did state the person was wearing a Warriors jacket. It is clear Carlos had such a jacket and had been wearing it when he was seen with Marty ten or fifteen minutes prior to the second confrontation. We also note that Damien's mother testified Damien was hysterical after the incident, and we believe this may be a reason why he was unable to identify Marty and Carlos immediately after the crime.

We affirm the adjudication of the juvenile court finding Carlos committed delinquent acts.

AFFIRMED.