

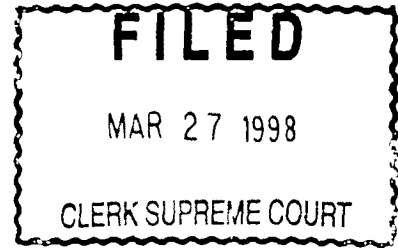
IN THE COURT OF APPEALS OF IOWA

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No. 8-110 / 97-1246

IN RE THE INTEREST OF R.C.,
A Child,

Appellant,



Appeal from the Iowa District Court for Fayette County, Alan D. Allbee,
Associate Juvenile Judge.

R.C., a minor child, appeals a ruling of the juvenile court finding that he
committed a delinquent act by virtue of possession of stolen property. **AFFIRMED.**

Larry F. Woods, Oelwein, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney
General, and Karl A. Moorman, Assistant County Attorney, for appellee State

Heard by Cady, C.J., and Huitink, and Streit, JJ.

CADY, C. J.

Ross, a minor, appeals the juvenile court's adjudication of delinquency. The juvenile court adjudicated him delinquent based on a finding of possession of stolen property. Ross contests the juvenile court's adjudication and disposition. We affirm.

Ross came to the attention of law enforcement officials when they were notified by an anonymous source that he was in possession of a stolen TV/VCR combination. The officers then proceeded to his home and obtained consent from his mother to search the home. The police were able to locate the stolen TV/VCR combination in his room.

Police officers subsequently questioned Ross about the TV/VCR set. He admitted in a written statement he knew the item "might be stolen." The State then filed a juvenile delinquency petition. Following trial, the district court entered a finding of delinquency and ordered placement in group foster care.

On appeal Ross maintains the State failed to sufficiently corroborate his confession, insufficient evidence existed to support the adjudication of delinquency, and the district court erred by placing him in group foster care.

I. Standard of Review

Juvenile delinquency proceedings are not criminal prosecutions, but are special proceedings that serve as an ameliorative alternative to the criminal prosecution of children. *In re S.D.L.*, 568 N.W.2d 41, 42 (Iowa 1997). We review juvenile

delinquency proceedings de novo. *In re S.M.D.*, 569 N.W.2d 609, 610 (Iowa 1997).

Ross suggests we should review the corroboration portion of his argument for errors of law. Although our review in this appeal is limited to questions normally reviewed at law in other cases, we review most issues in juvenile proceedings de novo. *See In re E.P.*, 478 N.W.2d 402, 403 (Iowa 1991) (de novo standard of review applied to juvenile proceedings involving speeding indictment claim). *But see In re S.M.D.*, 569 N.W.2d 609, 611 (Iowa 1997) (interpretation of statute in juvenile proceeding reviewed on error). In this case, either standard of review leads to the same result.

II. Confession

Ross was charged with possession of stolen property. Iowa Code section 714.1(4) defines possession of stolen property:

A person commits theft when the person . . . [e]xercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer.

Iowa Code § 714.1(4) (1995).

Under Iowa Rule of Criminal Procedure 20(4), a confession made by a defendant will not support a conviction “unless accompanied with other proof that the defendant committed the offense.” Iowa R. Crim. P. 20(4). Evidence that *someone* committed a crime is no longer sufficient corroboration of a confession. *See State v.*

Origer, 418 N.W.2d 368, 370 (Iowa App. 1987). The corroborating evidence need not be strong or go to the whole of the case so long as it confirms some material fact connecting the defendant with the crime. *Id.* at 370-71. Possession of stolen property can constitute corroborative evidence. *See State v. Dhondt*, 325 N.W.2d 761, 763 (Iowa App. 1982) (possession of stolen property was sufficient to corroborate confession in a burglary case); *State v. Willman*, 244 N.W.2d 314, 316 (Iowa 1976) (even possession of property of the same kind as that stolen may be considered when other corroborating circumstances exist).

Ross claims the State failed to introduce sufficient evidence to corroborate his confession. Specifically, he asserts the evidence presented did not constitute proof of his knowledge the property was stolen.

The State presented evidence John and Loyce Bunn purchased two TV/VCR sets. After discovering the sets missing, they notified the police of the theft and provided a description of the sets. A TV/VCR set matching the description given by the Bunn's was later located in Ross's room.

The State also presented evidence of Ross's written confession in which he stated, "I knew it was a new TV and VCR and I thought it might be stolen." The confession further indicated he met several acquaintances late at night and rode around with them before they offered him a TV/VCR combination for \$150.

The evidence presented by the State corroborates the property was stolen property as required by Iowa Code section 714.1(4). Corroboration of every element of the offense is not necessary. *See Origer*, 418 N.W.2d at 370-71. It is therefore not necessary for the State to supply further corroborating evidence of Ross's knowledge the property was stolen.

III. Sufficiency of Evidence

Ross claims insufficient evidence exists to support the juvenile court's adjudication of delinquency. He asserts the lack of corroborative evidence precludes support for the district court's adjudication of delinquency based on possession of stolen property.

We find sufficient evidence exists to support the trial court's finding of delinquency. The method Ross used to procure the TV/VCR indicates he knew it was stolen. He obtained the television after "cruising" with acquaintances late at night. He paid less than the market value for the set and even admitted he thought it might have been stolen. Moreover, the set discovered in his room was clearly identified as the same set stolen from the Bunns. The bar code on the box found in Ross's room matched the receipt the Bunns provided. Sufficient evidence therefore clearly existed the television/VCR set was stolen and Ross knew it was stolen.

IV. Disposition

The disposition of a child found to have committed a delinquent act is governed by Iowa Code section 232.52. Iowa law requires the juvenile court to enter “the least restrictive dispositional order appropriate in view of the seriousness of the delinquent act, the child's culpability . . . , the age of the child and the child's prior record.” Iowa Code § 232.52(1); *see In re B.B.*, 516 N.W.2d 874, 878 (Iowa 1994).

The primary goal of juvenile justice in Iowa is rehabilitation, not punishment. *In re S.D.L.*, 568 N.W.2d at 43. Further, juvenile statutes are to be “liberally construed to the end that each child . . . receive . . . the care, guidance and control that will best serve the child's welfare and the best interest of the state.” Iowa Code § 232.1; *see In re M.M.C.*, 564 N.W.2d 9, 11 (Iowa 1997).

Ross maintains he should have been placed in a more appropriate foster home or with his mother. He claims the group foster care placement is not the least restrictive placement or most appropriate placement. He also asserts the district court improperly considered his child in need of assistance record in determining the appropriate disposition.

Based on our *de novo* review of the record, we conclude Ross should remain in group foster care. While the seriousness of the delinquent act was relatively minimal, we must also consider Ross's age, culpability, and prior record in determining what disposition would best serve his welfare. Ross was almost

seventeen years old at the time of the adjudication. The record indicates Ross knew the property was stolen. Ross clearly needs more structure than residing with his mother or less restrictive foster care would provide. Group foster care is therefore the least restrictive and best alternative in this case.

Ross provides no authority for his recommendation that the trial court should not have considered his CINA (child in need of assistance) record in the disposition of his delinquency case. Because the goals of the juvenile system include reform, we naturally consider what would be the most effective method to rehabilitate the child. This determination cannot be made without background information regarding the child. The trial court therefore properly considered Ross's prior experiences with his various CINA placements before concluding group foster care to be the most appropriate alternative in this case.

AFFIRMED.