

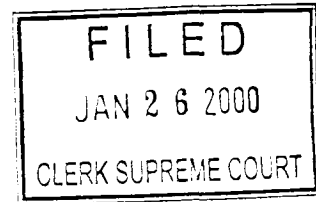
IN THE COURT OF APPEALS OF IOWA

No. 1999-514 (9-771) / 99-712
Filed January 26, 2000

**IN THE INTEREST OF
T.V., Minor Child,

T.V., Minor Child,

Appellant.**



Appeal from the Iowa District Court for Linn County, Patrick Grady, Judge.

Minor child appeals from a juvenile court order finding him to have committed the delinquent acts of possession of a controlled substance, marijuana, and possession of drug paraphernalia. **AFFIRMED.**

Ronald L. Ricklefs, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Chris Odell and Janet L. Hoffman, Assistant ~~Attorneys~~ General, and Susan Conn, Assistant County Attorney, for appellee ~~State~~.

Considered by Huitink, P.J., and Streit and Miller, JJ.

STREIT, J.

People often say a picture is worth a thousand words. True to that statement, the pictures taken by the police not only speak volumes about Travis's knowledge as to the existence of contraband in his room but discredit his mother's gallant testimony the drugs were hers. Because Travis's room was conspicuously littered with marijuana and drug paraphernalia, we can legitimately infer his knowledge of the contraband's existence. Accordingly, we affirm the juvenile court's adjudication of Travis as delinquent.

I. Background Facts & Proceedings.

The living arrangements of Travis, age sixteen, his girlfriend, and their child alternated between the homes of the young couple's respective parents. In late October 1998 the couple's then-present living arrangement was a bedroom at the home of Travis's parents. Around 6:30 a.m. on the morning of October 26 a team of Cedar Rapids narcotics officers executed a search warrant. During their search, officers found marijuana, marijuana residue, and a panoply of drug paraphernalia throughout the bedroom in which Travis was staying. Despite the conspicuous locations of the illegal items, Travis denied any knowledge of the marijuana or paraphernalia. The State instituted a delinquency action alleging Travis possessed a controlled substance in violation of Iowa Code section 124.401(5) (1997) and possessed drug paraphernalia in violation of a Cedar Rapids city ordinance.

At trial Travis again disavowed any knowledge of the illegal items found in his room, claiming he had returned home late the previous evening and the room was dark. Travis's mother, who pleaded to possession arising from the same

incident, corroborated her son's story, claiming she had a marijuana binge the previous weekend and had simply forgot to remove the illegal items from her son's bedroom. Given Travis's predominate control of his bedroom on the previous evening and the morning of the search, the open display of the illegal items, and his mother's lack of credibility the court adjudicated Travis delinquent.

Travis appeals, claiming there was insufficient evidence of his knowledge of the contraband to support a delinquency adjudication for constructive possession of a controlled substance and drug paraphernalia.

II. Standard of Review.

We review delinquency proceedings de novo. *In re S.C.S.*, 454 N.W.2d 810, 814 (Iowa 1990). Although not bound by the juvenile court's findings of fact, we give its credibility findings great weight as it had the opportunity to hear the testimony firsthand and is in a better position to evaluate a witness's demeanor and affect. Iowa R. App. P. 14(f)(7).

III. The Merits.

To adjudicate a child delinquent, the State must prove beyond a reasonable doubt the child's actions would have constituted a violation of state law or local ordinance if the child was an adult. Iowa Code §§ 232.2(12)(a), .47(10) (1997). Therefore, the State was required to prove Travis had: (1) dominion and control over the substance, (2) knowledge of its existence, and (3) knowledge of its nature. *State v. Padavich*, 536 N.W.2d 743, 751 (Iowa 1995). We need not, however, discuss each element in turn as Travis only attacks the State's quantum of proof as to his knowledge of the contraband's existence in his bedroom.

A defendant's knowledge of the presence of an illegal substance revolves largely around the degree of control the defendant has over the premises. If an accused has sole dominion and control over premises where contraband is located, knowledge of that contraband's presence may be inferred without need for additional evidence. See *State v. Rudd*, 454 N.W.2d 570, 572 (Iowa 1990). If, however, an accused is only in joint possession of the premises, "knowledge of the presence of the substances on the premises and the ability to maintain control over them by the accused will not be inferred but must be established by proof." *State v. Reeves*, 209 N.W.2d 18, 23 (Iowa 1973). "Such proof may consist either of evidence establishing actual knowledge by the accused, . . . or circumstances from which a jury might lawfully infer knowledge by the accused of the presence of the substances on the premises." *Id.* Given the subjective nature of evaluating one's mental state, however, a defendant's knowledge in most cases will only be capable of being established by legitimate inferential jumps based on the surrounding circumstances. *Rudd*, 454 N.W.2d at 571.

In this case, Travis did not have sole dominion or control over his bedroom. He stayed there only occasionally, and his parents often used the room as a sitting room. Therefore, proof of his knowledge may only be inferred if the surrounding circumstances support such an inference. In that the surrounding circumstances support such a conclusion, the court properly adjudicated Travis delinquent. Travis consistently denied any knowledge of the marijuana and the paraphernalia, but the room was virtually littered with contraband, thus belying his ardent claims of innocence. The number of independent locations where contraband was located and its conspicuous

location provided justifiable circumstances for the juvenile court to infer Travis's knowledge as to the contraband's existence. With regard to the testimony of Travis and his mother, the court specifically discounted their testimony as it lacked credibility. In weighing the credibility of witnesses, we give great deference to the trial court as it had the firsthand opportunity to evaluate the witness's demeanor. *See In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa App. 1997). That being the case, we too find the testimony lacked credibility. The testimony appeared not only self-serving but was also contradicted by the physical evidence in the bedroom. Like the trial court, we too find Travis, beyond a reasonable doubt, knowingly possessed marijuana and drug paraphernalia and affirm the delinquency adjudication.

AFFIRMED.