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**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-2100**

In the Matter of the Welfare of: T. L. G., Child.

**Filed October 28, 2008
Affirmed
Stauber, Judge**

Chippewa County District Court
File Nos. 12JV07415; 12JV07609

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Dwayne N. Knutsen, Chippewa County Attorney, 102 Parkway Drive, Box 514, Montevideo, MN 56265 (for respondent State of Minnesota)

Considered and decided by Stoneburner, Presiding Judge; Shumaker, Judge; and Stauber, Judge.

UNPUBLISHED OPINION

STAUBER, Judge

On appeal from his adjudication of delinquency for third-degree criminal damage to property, appellant T.L.G. argues that the state failed to prove that he intended to cause damage. We affirm.

DECISION

T.L.G. was convicted of third-degree damage to property for shooting out a neighbor's truck window with a BB gun. Although he admits that he shot the window, T.L.G. contends that the state failed to prove that he intended to cause the damage. In a delinquency adjudication, the state is required to prove beyond a reasonable doubt every fact necessary to constitute the charged crime. *In re Welfare of S.M.J.*, 556 N.W.2d 4, 6 (Minn. App. 1996). On appeal, our review is limited to "ascertaining whether, given the facts and legitimate inferences, a fact finder could reasonably make" the determination of delinquency. *Id.* We review the record in the light most favorable to the adjudication and assume that the fact-finder believed testimony supporting the adjudication of delinquency and disbelieved contrary evidence. *Id.*

In order to convict T.L.G. of third-degree damage to property, the state was required to prove, inter alia, that he "intentionally cause[d] damage to another person's physical property." Minn. Stat. § 609.595, subd. 2(a) (2006). "'Intentionally' means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result." Minn. Stat. § 609.02, subd. 9(3) (2006). "Intent may be proved by circumstantial evidence including the defendant's conduct" and "may be inferred from events occurring before and after the crime." *Davis v. State*, 595 N.W.2d 520, 525-26 (Minn. 1999). Although a conviction based on circumstantial evidence warrants stricter scrutiny on review, "circumstantial evidence is entitled to the same weight as direct evidence." *State v. Bauer*, 598 N.W.2d 352, 370 (Minn. 1999). "[P]ossibilities of innocence do not require reversal of a jury

verdict so long as the evidence taken as a whole makes such theories seem unreasonable.” *State v. Ostrem*, 535 N.W.2d 916, 923 (Minn. 1995).

T.L.G. contends that “[a]ll of the evidence presented by the state to support an inference of intent was entirely consistent with the rational hypothesis that [he] shot out the [neighbor’s] truck window by mistake.” But after reviewing the record, we are satisfied that there is sufficient evidence to sustain the adjudication. The district court credited the neighbor’s testimony, which supported the inference that T.L.G. fired at the truck window in an effort to cause damage. T.L.G. also admitted that he ran to his home after shooting the window and initially lied to police about his involvement. *Cf. State v. Young*, 710 N.W.2d 272, 279 (Minn. 2006) (noting that flight from the scene is probative of intent in the context of determining whether a defendant was an accomplice); *State v. Nelson*, 632 N.W.2d 193, 203-04 (Minn. 2001) (concluding that a defendant who lied to the police had intent to commit a criminal act). And T.L.G. first claimed that he accidentally caused the damage at trial. Although T.L.G. had an innocent explanation for his actions, the district court, as fact-finder, was not obliged to believe his story. *See Ostrem*, 535 N.W.2d at 923 (stating that the fact-finder is free to question a defendant’s credibility and has no obligation to believe it). Because the district court was in the best position to weigh the credibility of the witnesses, and because we must assume that the fact-finder believed testimony supporting the adjudication of delinquency and disbelieved contrary evidence, we conclude that there was sufficient evidence in the record to support the adjudication.

Affirmed.