

**STATE OF LOUISIANA IN  
THE INTEREST OF J.B.**

**\* NO. 2001-CA-2376  
\* COURT OF APPEAL  
\* FOURTH CIRCUIT  
\* STATE OF LOUISIANA**

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**APPEAL FROM  
JUVENILE COURT ORLEANS PARISH  
NO. 01-193-11-QF, SECTION "F"  
HONORABLE MARK DOHERTY, JUDGE**

**\* \* \* \* \***

**JAMES F. MCKAY III  
JUDGE**

**\* \* \* \* \***

(Court composed of Judge James F. McKay III, Judge Dennis R. Bagneris,  
Sr., Judge Michael E. Kirby)

DERWYN DEL BUNTON  
SARAH L. OTTINGER  
JUVENILE JUSTICE PROJECT OF LA  
New Orleans, Louisiana 70113  
Attorneys of Appellant

**ADJUDICATION AND DISPOSITION AFFIRMED**

On November 31, 2001, Officer Scott Rayford responded to a call at 800 Washington Avenue. Upon arriving at the scene, he observed two young black females engaged in a fight. After separating the two females he informed the defendant, J.B., of her Miranda rights and proceeded to arrest her for disturbing the peace, relative to engaging in a fistic encounter pursuant to La. R.S. 14:103 (A)(1). At the adjudication hearing, the trial court heard the testimony of New Orleans Police Officers Scott Rayford and William Palmer, as well as that of the defendant's sister, L.B. Both officers testified that they arrived on the scene after the fight had started. L.B. testified that on the day of the incident she and her sister left their home and were going to the store when D.M. came from behind and hit J.B. A fight between J.B. and D.M. then moved from the sidewalk to the middle of the street. The trial court questioned the witness and established that L.B. and her sister, J.B., were aware that D.M., and her friends were standing outside of their home on the corner. The trial court concluded that, "I'm inclined to believe that J.B. could have reasonably assumed that Donisha was not there to shake her hand. And she left the safety of her home, basically, to confront Donisha, and therefore, I'm going to find her guilty of disturbing the peace".

On October 24, 2001, the trial court adjudicated J.B. delinquent. She was sentenced to serve ninety days, which were suspended, six months inactive probation and an 8:00 p.m. curfew.

The defendant appeals the judgment of the trial court arguing that La. R.S. 14:103 (A)(1) is unconstitutional as applied if it prohibits consideration of the defense of self-defense and that the trial court erred in adjudicating the defendant delinquent based on insufficiency of the evidence in that the State failed to rebut the defendant's evidence. With regards to La. R.S. 103 (A) (1), the Louisiana Supreme Court in State v. Heck, 307 So.2d 332 (La. 1975), has already upheld the constitutionality of this statute. We find no merit to defendant's argument in this assignment of error.

The defendant's second assignment of error concerns the sufficiency of the evidence to support the adjudication of delinquency.

In a juvenile delinquency proceeding, the state's burden of proof is the same as in a criminal proceeding against an adult, to prove beyond a reasonable doubt every element of the offense alleged in the petition. La. Ch.C. art. 883; State in the Interest of J.W., 597 So.2d 1056 (La.App. 2d Cir.1992). An appellate court's review standard in a criminal proceeding against an adult is whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found that the state

proved the essential elements of the crime beyond a reasonable doubt.

Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979).

Under Jackson, an appellate court does not reweigh the evidence or assess the credibility of witnesses. We simply determine if a rational juror or judge could have concluded beyond a reasonable doubt that the prerequisite elements were proven. Juvenile cases are tried by a judge and not a jury. In a juvenile case, we are constitutionally compelled to review both the facts and the law. La. Const. Art. 5, Section 10(A) and (B). Even so, we recognize that the juvenile judge observes the conduct and demeanor of the witnesses and is thus in a far better position to determine credibility and weigh the evidence. For this reason, we afford great deference to the judge's findings on questions fact and to his determination of credibility of the witnesses and the weight to be given their testimony. State v. LeBlanc, 213 La. 404, 34 So.2d 905 (1948); State in the Interest of J.W., *supra*; State in the Interest of Givens, 350 So.2d 295 (La.App. 3d Cir.1977).

Although, the defendant makes a self-defense argument, we cannot second guess the trial court's assessment of the evidence and find the record supports the trial court's conclusion that the defendant is guilty of disturbing the peace.

Accordingly, the adjudication of the defendant's delinquency is

affirmed.

**ADJUDICATION AND**

**DISPOSITION AFFIRMED**