IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. JONATHAN MCKINNEY, Appellant.	No. 39278-0-II UNPUBLISHED OPINION

Penoyar, C.J. — Jonathan McKinney appeals his forgery conviction, challenging the sufficiency of the evidence to prove guilty knowledge.[1] We affirm.

FACTS

The basis of the charge was check number 6436, drawn on Michael Levanger's Bank of America account. The check was one of several in a check book stolen from Levanger's truck on October 8, 2008, between 11:00 a.m. and 12:15 p.m. Levanger reported the theft to his bank between 1:00 and 1:30 p.m., and the bank blocked his account.

Sometime around 3:00 p.m. on October 8, McKinney attempted to cash check number 6436 at the Summit View branch of Bank of America. The check was made out to McKinney in the amount of $700. The entry on the memo line said "Home Stereo System." Report of Proceedings at 73.

When the teller scanned the check, she discovered that the account was blocked because of stolen checks. She notified the assistant manager, who confirmed that the signature on the

[1] A commissioner of this court considered this matter pursuant to RAP 18.14 and referred it to a panel of judges.

check did not match the signature on file for Michael Levanger and contacted the police. The bank employees told McKinney they were having a computer problem and asked him to wait in the lobby.

Pierce County Sheriff's deputy Peter Aloisio responded to the call from the bank. McKinney told the deputy that he had received the check that morning from a man who had purchased his Kenwood stereo. He said the man had looked at the stereo over the weekend and had returned to his residence on October 8 to buy it. He had helped load the stereo, but he could not describe either the purchaser or his vehicle.

McKinney did not testify at trial, but his friend Steven Leyda did. Leyda told the jury that McKinney had sold the stereo to a man and woman on the afternoon of October 8. The sale had occurred at the house of a mutual friend, who was having a garage sale. Leyda believed that McKinney had owned the stereo for at least two years.

The State presented evidence of the market value of used home stereo systems via the testimony of a pawnshop assistant manager, Stephanie Hayden. Hayden said that the highest price she had ever received for a home stereo system was $200, and that she would not sell a Kenwood stereo for more than $150. The jury convicted McKinney as charged.

ANALYSIS

In order to convict McKinney of forgery, the State had to prove that he knew that check number 6436 was forged. RCW 9A.60.020(b). In reviewing McKinney's challenge, we consider all of the evidence in the light most favorable to the prosecution. *State v. Scoby*, 117 Wn.2d 55, 61, 810 P.2d 1358 (1991). We accept the State's evidence as true and draw all reasonable inferences in the State's favor. *State v. Salinas,* 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). We

consider circumstantial evidence to be as reliable as direct evidence. *State v. Turner*, 103 Wn. App. 515, 520, 13 P.3d 234 (2000). If under these guidelines, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt, we will uphold the conviction. *Scoby*, 117 Wn.2d at 61.

Possession of a forged instrument, alone, is not enough to prove guilty knowledge, but possession together with even slight corroborating evidence can be sufficient. *Scoby*, 117 Wn.2d at 61-62. A false explanation, or one that is improbable or difficult to verify, can be sufficient corroboration to prove guilty knowledge. *See State v. Ladely*, 82 Wn.2d 172, 175, 509 P.2d 658 (1973) (addressing guilty knowledge in the context of possession of stolen property).

McKinney's story was improbable in light of the testimony offered by the pawnshop manager. His failure to provide even a cursory description of the purchaser or his vehicle made it impossible to verify. In addition, McKinney's version of events was significantly inconsistent with Leyda's. This was sufficient corroboration to establish guilty knowledge.

Affirmed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

Penoyar, C.J.

We concur:

Bridgewater, J.

Quinn-Brintnall, J.