

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

SCOTT MONROE GOODMAN,

Appellant.

No. 39604-1-II

UNPUBLISHED OPINION

Armstrong, P.J.—Scott Monroe Goodman appeals his Pierce County conviction of manufacturing methamphetamine. He contends that the State failed to prove that he committed the crime within 1,000 feet of a school bus route stop. We affirm.<sup>1</sup>

**FACTS**

On November 5, 2008, officers from the Pierce County Drug Task Force searched the property where Timothy Beeman was living, including the residence, outbuildings, and vehicles. They found a quantity of methamphetamine and a scale in Beeman’s bedroom, and Beeman had \$829 in his wallet. Scott Goodman and his girlfriend were living in a shed on Beeman’s property at the time. The officers found no evidence of criminal behavior in the shed.

In Goodman’s truck, however, they found a sales receipt for pseudoephedrine, a coffee grinder, coffee filters, a can of toluene and a sales receipt for that item, a receipt for AA photo batteries, a hot plate, a cooking pot, a container of muriatic acid, aluminum foil, a container of acetone, and a Vitamin Water bottle that had been converted into a hydrochloric acid (HCL)

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<sup>1</sup> A commissioner of this court considered the matter pursuant to RAP 18.14 and referred it to a panel of judges.

generator. The officers testified that methamphetamine manufacturers use all these items in manufacturing methamphetamine. In fact, one of the coffee filters contained a tan substance that tested positive for methamphetamine.

The State charged both Goodman and Beeman with manufacturing methamphetamine. Beeman agreed to testify at Goodman's trial, and the prosecutor reduced his charge to conspiracy to manufacture. Beeman testified that Goodman had been living in the shed for about two months at the time of the search. He said that he believed Goodman was making methamphetamine because Goodman often talked about making the drug and described the process, regularly sold or gave him methamphetamine, and asked him buy pseudoephedrine for use in the process. However, he had never seen anything to suggest that Goodman was making methamphetamine on his property.

The jury convicted Goodman as charged. The court imposed a standard range sentence of 108 months, plus 24 months for the school bus stop enhancement.

#### ANALYSIS

Goodman concedes that the State proved that Beeman's property was within 1,000 feet of a school bus stop. Rather, he argues that the evidence was insufficient to prove that he actually manufactured the methamphetamine on Beeman's property.

Due process requires the State to prove all elements of the crime charged beyond a reasonable doubt. *State v. Aver*, 109 Wn.2d 303, 310, 745 P.2d 479 (1987). The same standard applies to prove a sentencing enhancement. *State v. Lua*, 62 Wn. App. 34, 42, 813 P.2d 588 (1991). In reviewing Goodman'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); *State v. Todd*, 101 Wn. App. 945, 950, 6 P.3d 86 (2000). 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). And 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 facts required for the enhancement beyond a reasonable doubt, we will uphold the conviction. *See Scoby*, 117 Wn.2d at 61.

At the time of the search, Goodman had lived in Beeman's shed for approximately two months. According to the receipts found in his truck, during the two weeks before the search, he had purchased pseudoephedrine, batteries, and toluene. The can of toluene was only one quarter full at the time of the search. There was methamphetamine in one of the coffee filters. In addition, the hot plate and the coffee grinder required electricity for operation and Beeman said that Goodman moved into his shed because he had no place else to go. This evidence was sufficient for the jury to infer that Goodman engaged in the manufacturing process on Beeman's property, where there was a source of electricity.

Moreover, a person is guilty of manufacturing even if he plays only a limited role in the process. *State v. Gaworski*, 138 Wn. App. 141, 147, 156 P.3d 288 (2007). Manufacturing includes preparation. RCW 69.50.101(p). Goodman does not dispute that he stored most of the items needed for the process in his truck. This constitutes preparation. *See State v. Keena*, 121 Wn. App. 143, 148-49, 87 P.3d 1197 (2004). The evidence with reasonable inferences therefrom support the jury's conclusion that Goodman manufactured methamphetamine within 1,000 feet of

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a school bus route stop.

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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.

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Armstrong, P.J.

We concur:

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Hunt, J.

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Quinn-Brintnall, J.