IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. CLYDE DAVID BROWN, Appellant.	No. 39746-3-II UNPUBLISHED OPINION

Armstrong, J. — A jury found Clyde David Brown guilty of failure to register as a sex offender in violation of former RCW 9A.44.130 (2006). The trial court imposed a sentence of 50 months confinement. Brown appeals, arguing that (1) insufficient evidence supports his conviction and (2) his counsel ineffectively represented him at trial. We disagree and affirm.

FACTS

Brown is a convicted sex offender. He is therefore required to register his home address with the sheriff's department in the county where he lives. Former RCW 9A.44.130(1)(a). He is also required to notify the sheriff's department of any change of address within 72 hours of moving. Former RCW 9A.44.130(5)(a).

On August 4, 2008, Brown registered as a sex offender with the Kitsap County Sheriff's Department. Brown reported his address as 18767 Augusta Avenue, Suquamish, Washington. On August 5, 2008, Brown told Department of Corrections Community Corrections Officer Deborah Giczkowski that he was residing in Bremerton. Giczkowski went to the Bremerton address the next day and could not locate Brown but left her business card in the door with a note to call her. During a second visit to the Bremerton address, Giczkowski still could not locate Brown. Brown never called Giczkowski.

On October 29, 2008, Kitsap County Deputy Sheriff Justin Childs performed an address check at 18767 Augusta Avenue. Childs described the home as "vacant" and "empty." Report of Proceedings (RP) (Aug. 18, 2009) at 35. Upon looking into the windows of the home, Childs could see the entire first level of the home was empty. During a subsequent visit to the address, Childs stated that the home was in the same vacant condition.

Brown testified at trial that he had resided in Kitsap County for the past 10 years, that he was aware of his obligation to register his address with the sheriff's office, and that he never moved from the Augusta Avenue address. Brown also stated that he lied to Giczkowski about living in Bremerton "so [that] she could get off [his] back." RP (Aug. 19, 2009) at 79. The State charged Brown with failure to register as a sex offender and a jury found him guilty.

DISCUSSION

A. Sufficiency of the Evidence

Brown challenges the sufficiency of the evidence, arguing that the State failed to prove that he changed his address to a new address within Kitsap County, in violation of his registration obligations. Evidence is sufficient to support a conviction if, viewed in the light most favorable to

the State, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). An insufficiency claim admits the truth of the State's evidence and requires that we draw all reasonable inferences in favor of the State and against the defendant. *Salinas*, 119 Wn.2d at 201.

The State must show that Brown (1) changed his residence on or after August 4, 2008, (2) knowingly failed to provide written notice of the change of address to the Kitsap County Sheriff's Department within 72 hours of moving, and (3) had previously been convicted of a sex offense that required registration. Former RCW 9A.44.130(1)(a),[1] (5)(a),[2] (11)(a).[3] Brown had previously been convicted of a sex offense that required registration.

Brown contends that the State failed to show that he changed his residence to another residence within Kitsap County. The State provided the testimony of Giczkowski to prove that Brown stated he was living in Bremerton, but Giczkowski was unable to locate him at that address. The State also provided the testimony of Deputy Childs, who performed an address check at the Augusta Avenue address. Childs stated the house appeared to be abandoned and, based on his routine patrol of the area, had been abandoned for a substantial period. Moreover,

[1] "Any adult . . . convicted of any sex offense . . . shall register with the county sheriff for the county of the person's residence." Former RCW 9A.44.130(1)(a).

[2] "If any person required to register pursuant to this section changes his . . . address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving." Former RCW 9A.44.130(5)(a).

[3] "A person who knowingly fails to comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section." Former RCW 9A.44.130(11)(a).

Childs did not see any clothing or other objects inside the home. *See State v. Castillo*, 144 Wn. App. 584, 589, 183 P.3d 355 (2008) (finding the absence of normal articles of everyday activity from defendant's claimed residence, along with statements that he did not reside there, sufficient to prove he did not reside there). Thus, a jury could reasonably infer from this testimony that Brown had changed his residence.

Brown further argues that the State failed to prove where he was living between August 4, 2008 and October 30, 2008, to demonstrate that he was not living at the registered address. However, the State was not obligated to prove where Brown was living. *See State v. McKinnon*, 110 Wn. App. 1, 4, 38 P.3d 1015 (2001) ("The State's only obligation [is] to prove [Brown] was a sex offender who had not registered."). Thus, the State provided sufficient evidence to prove Brown was not living at the registered Augusta Avenue address.

B. Ineffective Performance of Counsel

Brown also argues in a statement of additional grounds (SAG) that his trial counsel was ineffective by causing him to feel "intimidated" and "timid" whenever counsel was present. SAG at 1. However, Brown provides no reasoned argument or citation to authority to support his assignment of error. Passing treatment of an issue or lack of reasoned argument is insufficient to merit judicial consideration. *State v. Johnson*, 119 Wn.2d 167, 171, 829 P.2d 1082 (1992). Thus, we do not consider this issue.

The conviction is 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.

ARMSTRONG, P.J.

We concur:

HUNT, J.

QUINN-BRINTNALL, J.