IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. JULIAN LEVERT HARRIS, II, Appellant.	No. 39783-8-II UNPUBLISHED OPINION

Quinn-Brintnall, J. — After a trial on stipulated facts, the trial court found Julian Harris, II guilty of unlawful possession of marijuana with intent to deliver. He appeals, arguing that the stipulated facts are insufficient to establish that he possessed the marijuana with the intent to deliver it. We affirm.[1]

On September 30, 2007, Officers Josh Pearson and Nathan Stanford stopped Harris and searched his vehicle. They found 31.9 grams of marijuana, a partially smoked marijuana cigarette, a black bag that contained empty plastic baggies, an electronic scale, $1,137 in cash, and a notebook containing what appeared to be pay sheets for calculating different weights of marijuana and price totals. Harris stated that he distributed marijuana to various patients under the Medical

[1] A commissioner of this court initially considered Harris's appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

Use of Marijuana Act, ch. 69.51A RCW. Harris had notes from seven patients authorizing him, under that Act, to be their care provider. Harris claimed that $800 of the cash was from "donations" given by his patients in return for his deliveries of marijuana. Harris also told Pearson that some of the marijuana was for his personal medical use.

The State charged Harris with one count of unlawful possession of marijuana with intent to deliver. On March 2, 2009, the court approved a diversion agreement in which Harris waived his right to a jury trial and waived all defenses, including a medical marijuana defense. Under that agreement, if Harris did not complete the diversion program, he consented to be tried by the court on stipulated facts. Harris never entered the diversion program, much less completed it.

On August 21, 2009, based on Harris's failure to comply with the diversion agreement, the trial court heard argument from Harris's counsel and the prosecutor as well as reviewed the record, including the stipulated facts and police reports. It found Harris guilty of unlawful possession of marijuana with intent to deliver.

Harris argues that the State did not present sufficient evidence to prove beyond a reasonable doubt that he possessed the marijuana with the intent to deliver it. Evidence is sufficient when, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found guilt beyond a reasonable doubt. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992) (citing *State v. Green*, 94 Wn.2d 216, 220-22, 616 P.2d 628 (1980)). All reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant. *Salinas*, 119 Wn.2d at 201 (citing *State v. Partin*, 88 Wn.2d 899, 906-07, 567 P.2d 1136 (1977)). The intent to deliver a controlled substance must follow logically "as a matter or probability from the evidence." *State v. Campos*, 100 Wn. App. 218,

222, 998 P.2d 893 (citing *State v. Davis*, 79 Wn. App. 591, 594, 904 P.2d 306 (1995)), *review denied*, 142 Wn.2d 1006 (2000). In assessing that intent, the trier of fact may consider, among other things, scales, baggies or packaging material, and pieces of paper with potential customer information. *See Campos*, 100 Wn. App. at 219, 224 (2.5 grams of cocaine and 25 grams in rock, $1,750, piece of paper that could have been a record of sales, pager, cell phone, and cell phone charger were sufficient to infer intent to deliver); *see also State v. Zamora*, 63 Wn. App. 220, 223, 817 P.2d 880 (1991) (large quantity of drugs along with cash, scales, gloves, and repackaging materials is sufficient to infer intent to deliver), *abrogated by State v. Silva-Baltazar*, 125 Wn.2d 472, 886 P.2d 138 (1994).

The evidence contained in the stipulation of facts and the police report is sufficient for any rational trier of fact to find beyond a reasonable doubt that Harris possessed the marijuana with the intent to deliver it. Along with the marijuana, the officers seized baggies, a scale, $800 in cash "donations," and a notebook with weights and prices. Any rational trier of fact could infer, from that evidence, that Harris possessed the marijuana with the intent to deliver it, not to use it all personally. Thus, the evidence is sufficient to find Harris guilty beyond a reasonable doubt of unlawful possession of marijuana with intent to deliver. We affirm.

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.

QUINN-BRINTNALL, J.

We concur:

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ARMSTRONG, P.J.

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HUNT, J.