

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

JAMES EDWARD CHRISTIAN,

Appellant.

No. 39854-1-II

UNPUBLISHED OPINION

Quinn-Brintnall, J. — A jury found James Christian guilty of unlawful possession of methamphetamine. On appeal, Christian argues that the State failed to present sufficient evidence to support the verdict. We affirm.¹

We review a claim of insufficient evidence for whether, when viewing the evidence in the light most favorable to the jury’s verdict, “any rational trier of fact could have found the essential elements of the charged crime beyond a reasonable doubt.” *State v. Yarbrough*, 151 Wn. App. 66, 96, 210 P.3d 1029 (2009) (quoting *State v. Rempel*, 114 Wn.2d 77, 82, 785 P.2d 1134 (1990)). A sufficiency challenge admits the truth of the State’s evidence and all reasonable inferences therefrom. *State v. Theroff*, 25 Wn. App. 590, 593, 608 P.2d 1254, *aff’d*, 95 Wn.2d

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

No. 39854-1-II

385, 622 P.2d 1240 (1980). “In determining the sufficiency of the evidence, circumstantial evidence is not to be considered any less reliable than direct evidence.” *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980).

Christian was charged under RCW 69.50.4013(1) which provides,

It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

Methamphetamine is a controlled substance. RCW 69.50.101(d); former RCW 69.50.206(d)(2) (1993).

The State presented evidence that (1) Tenino Police Officer Adam Haggerty arrested Christian for a violation of the terms of his community custody; (2) Haggerty searched Christian incident to that arrest; (3) that search resulted in the discovery in Christian’s wallet of two baggies containing residue; (4) after being advised of his constitutional rights, Christian told Haggerty that he had been using methamphetamine earlier; and (5) a forensic scientist found that the residue in the baggies tested positive for methamphetamine.

Christian argues that because the baggies found on his person contained only residue of methamphetamine in such a small amount that it could not be weighed, the State did not present sufficient evidence that he unlawfully possessed methamphetamine. But there is no minimum amount of a controlled substance that the State must present to sustain a conviction for unlawful possession of that controlled substance. *State v. Malone*, 72 Wn. App. 429, 439, 864 P.2d 990 (1994); *State v. Williams*, 62 Wn. App. 748, 751, 815 P.2d 825 (1991), *review denied*, 118 Wn.2d 1019 (1992). Taking the evidence in the light most favorable to the verdict, any rational

No. 39854-1-II

trier of fact could have found beyond a reasonable doubt that Christian unlawfully possessed the methamphetamine found in the baggies. Sufficient evidence supports Christian's conviction.

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:

ARMSTRONG, P.J.

HUNT, J.