

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

REGINALD M. COLEMAN,

Appellant.

No. 40319-6-II

UNPUBLISHED OPINION

Armstrong, P.J. — Reginald Coleman appeals his convictions for attempting to elude a pursuing police vehicle and for first degree driving while license suspended. He argues that the State failed to present sufficient evidence that he was driving the vehicle in question. We affirm.¹

The evidence of a crime is sufficient when, 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); *State v. Green*, 94 Wn.2d 216, 220-22, 616 P.2d 628 (1980). We draw all reasonable inferences from the evidence in favor of the State and most strongly against the defendant. *Salinas*, 119 Wn.2d at 201; *State v. Partin*, 88 Wn.2d 899, 906-07, 567 P.2d 1136 (1977).

The State proved that on September 23, 2009, Gary Williams borrowed a blue Toyota Camry from his mother. At about 3:00 p.m., Coleman borrowed the Camry from Williams. Coleman returned the Camry at about 11:00 p.m. but did not return its keys to Williams. Later that night, Coleman took the Camry without Williams's permission. Williams reported the Camry as having been stolen.

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

At 4:15 a.m. the next morning, Pierce County Deputy Rich Scaniffe saw a light-colored, four-door sedan run a stop sign at the intersection of A and 88th Street while traveling at 50 to 60 miles per hour. Deputy Scaniffe activated his lights and sirens but the sedan did not stop. The sedan accelerated to 80 miles per hour and ran two more stop signs. When the sedan turned on to Golden Given Road East, Deputy Scaniffe lost sight of it. When he turned onto that road, Deputy Scaniffe saw tail lights two to three blocks ahead of him on 97th Street. He then saw the lights, which he assumed to be from the sedan he had been chasing, drift across the oncoming lanes and come to a stop at 17th Avenue and 97th Street. When he arrived at that location, Deputy Scaniffe found the Camry, reported stolen by Williams, had run into a utility pole. The Camry was still running, with the keys in the ignition, but no one was in it.

Deputy Scaniffe saw Coleman standing on the porch of a house behind the crash site. Coleman walked toward Deputy Scaniffe's vehicle, but the deputy told him to return to the porch until a K-9 unit arrived. Deputy Scaniffe initially thought that Coleman lived at that house.

Deputy Theron Hardesty and his canine partner, Cliff, responded. Deputy Hardesty saw Coleman walk nonchalantly past his vehicle and down 97th Street. After acquiring a scent from the Camry, Cliff tracked the scent to the porch where Deputy Scaniffe had seen Coleman and down 97th Street where Coleman had been walking.

Deputy Robert Carpenter had responded to the crash site and saw Coleman walking from 97th Street onto Portland Avenue. When he asked Coleman to approach, Coleman said, "I just saw two white dudes running across the street that way" and pointed eastbound. Report of Proceedings (RP) at 78. Deputy Carpenter did not believe Coleman because he had been

watching the area where Coleman said the white dudes had gone. Coleman then said he had come from 112th Street, but Deputy Carpenter did not believe him because he would have seen Coleman earlier had he come from that street. Next, Coleman said he had come from his “homies” house at 112th and Golden Given Road East. RP at 82. But when Deputy Carpenter asked for their names, Coleman said he was walking alone and had not come from a house. Coleman admitted that he did not live in the area of the crash site and did not know anyone there. After obtaining Coleman’s identity, Deputy Carpenter learned that Coleman’s driver’s license had been suspended for being a habitual offender. He arrested Coleman.

After waiving his constitutional rights, Coleman told Deputy Scaniffe that he was just walking in the area of the crash site and denied knowing anything about the vehicle that crashed. Deputy Scaniffe contacted the owner of the house on whose porch he had seen Coleman standing just after the crash. That owner did not connect Coleman to the house. Coleman argues that this evidence was insufficient to prove beyond a reasonable doubt that he was driving the Camry while it attempted to elude Deputy Scaniffe, and so failed to prove either that charge or the charge of driving while license suspended. But Coleman had borrowed the Camry earlier that day, had not returned its keys, and had disappeared with the Camry. Within moments of the Camry’s crash into the utility pole, Deputy Scaniffe saw Coleman standing on the porch of a nearby house. Coleman had no connection with that house. A tracking dog connected the scent from the Camry to scents at the porch of the house and at another area where Coleman had been walking. Coleman volunteered a statement about “white dudes” running away which Deputy Carpenter knew to be false. RP at 78. Coleman then gave a number of inconsistent statements in an effort

to explain his presence near the crash site. A rational trier of fact could find that these statements were false and when coupled with Coleman’s presence at the crash site was sufficient to prove he had been driving the Camry and attempted to elude Deputy Scaniffe. Thus, the State presented sufficient evidence that Coleman had been the driver of the Camry during the pursuit. And having done so, the State presented sufficient evidence that Coleman was guilty of both attempting to elude a pursuing police vehicle and first degree driving while license suspended. We affirm.²

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.

Van Deren, J.

² Coleman filed a statement of additional grounds under RAP 10.10, raising the grounds of “ineffective assistance of counsel,” “miscalculation of offender score,” and “violated speedy trial rights.” But that statement does not “inform the court of the nature and occurrence of the alleged errors,” as required by RAP 10.10(c), therefore we do not consider it further.