

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

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

STACIA NOEL STROOP,

Appellant.

No. 41619-1-II

UNPUBLISHED OPINION

Johanson, J. — Stacia Stroop appeals her conviction for first degree criminal impersonation, arguing that the evidence was insufficient to convict her. We affirm.<sup>1</sup>

**FACTS**

In the evening of February 22, 2010, Camas Police Officers Jason Langman and Rob Skeens responded to a call of suspicious circumstances at a residential address. Officer Langman observed that the property was overgrown with vegetation and that there was a padlock on the front door. He followed a trail to the back of the house, where he saw a makeshift stepstool beneath a broken window. He looked into the house and saw a man within arm's reach. He ordered the man to come out of the residence, and the man complied. The man said that there was a woman by the name of "Jennifer" still inside the house. 1 Report of Proceedings (RP) at 57. Officer Langman looked inside the building and found Stroop curled up in a ball, covered with a jacket and other clothes. He called out to her several times, but she failed to respond. Eventually, she complied with his orders to exit the building.

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

After Officer Langman arrested her, Stroop explained to him that she was in the house searching for her lost dog. Asked to identify herself, Stroop gave Officer Langman the name “Dawn King,” Stroop’s sister’s name. 1 RP at 63. She said, however, that the male subject knew her by the name “Start.” 1 RP at 64. She told Officer Langman she did not have any identification with her.

Having doubts about her identity, Officer Langman transported Stroop to the Camas Police Department before taking her to the Clark County jail. At the police department, Officer Langman printed out a booking photo associated with the name “Dawn King.” 1 RP at 65. He showed Stroop the photo, which did not appear to be of her. Stroop did not comment. When he transported Stroop to the Clark County jail, he told the custody officers there that he was still unsure of her identity.

Within a couple of days of arriving at the jail, Timothy Sterns, a probation officer, interviewed Stroop regarding her financial situation, mental health history, criminal history, and employment. Sterns also gathered information such as her phone number and address. The information she provided was to be used for formulating a recommendation as to whether she would be released from custody pending her trial and what conditions should be imposed, and determining whether she qualified for court-appointed counsel. Stroop again provided “Dawn King” as her name. 1 RP at 134. She signed the interview document and the financial affidavit, attesting to the truth of the information. The information included that she was an unemployed union electrician. At Stroop’s first court appearance, on February 23, 2010, she identified herself as “Dawn Cheri King,” and gave her date of birth as August 31, 1972. 2 RP at 158.

Two days after Stroop was taken into custody, Dawn King called the jail records unit

informing them that although her name appeared on the jail register, she was not in custody. On February 24, Nancy Druckenmiller, an identification specialist with the Clark County Sheriff's Office, compared the fingerprints Stroop provided when booked with a fingerprint database. The fingerprints matched with a state identification number belonging to Stacia Stroop. A warrant was also outstanding for a Stacia Stroop. At Stroop's February 26 arraignment, she admitted her name was Stacia Noel Stroop, and that her date of birth was January 3, 1975.

The State charged Stroop by amended information with first degree criminal trespass and first degree criminal impersonation. At trial, Officer Skeens explained that using a false name would cause the arrest incident to permanently be attached to Dawn King's record. The State played a video of a previous hearing in which Stroop identified herself as Dawn King. A prosecutor who handled the case at its early hearings testified that at a defendant's first appearance, the judge decides whether to release the defendant or not, based on the information provided during the defendant's interview with the probation officer. Stroop testified that she was employed as a caregiver, and was not an unemployed union electrician. She acknowledged that she had used her sister's name upon her arrest, at court, and during her interview with the probation officer.

The jury found Stroop guilty as charged. Stroop appeals her conviction for first degree criminal impersonation.

#### ANALYSIS

Stroop argues that substantial evidence does not support her conviction for first degree criminal impersonation because she did not commit an act other than assuming King's identity. Evidence is sufficient to support a conviction if, when 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). “A claim of insufficiency admits the truth of the State’s evidence and all inferences that reasonably can be drawn therefrom.” *Salinas*, 119 Wn.2d at 201. Circumstantial evidence and direct evidence are equally reliable. *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980). We defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. *State v. Walton*, 64 Wn. App. 410, 415-16, 824 P.2d 533, *review denied*, 119 Wn.2d 1011 (1992).

The elements of criminal impersonation in the first degree that the State must prove beyond a reasonable doubt are: (1) the defendant “[a]ssumes a false identity”; (2) “does an act in his or her assumed character” (3) “with intent to defraud another or for any other unlawful purpose.” RCW 9A.60.040(1)(a). “Defraud” means “[t]o cause injury or loss to . . . by deceit.” *State v. Simmons*, 113 Wn. App. 29, 32, 51 P.3d 828 (2002) (quoting Black’s Law Dictionary 434 (7th ed. 1999)). “Whenever an intent to defraud shall be made an element of an offense, it shall be sufficient if an intent appears to defraud any person, association or body politic or corporate whatsoever.” RCW 10.58.040.

Stroop contends only that the State put forth insufficient evidence of her having done an act while assuming the character of Dawn King. But Stroop went beyond merely claiming that she was Dawn King. Notably, she conducted an interview with the probation officer under her assumed persona. She misled the probation officer by informing him that she was an unemployed union electrician, rather than an employed caregiver. The criminal history she led the probation officer to consider was that of King’s. Following the interview, she signed a “supervised release”

form and a financial affidavit, attesting to the truth of the information she provided. 2 RP at 196. That information was used to determine whether she would be recommended for pretrial release and whether she qualified for court-appointed counsel. And she avoided execution of the outstanding warrant for her arrest by impersonating King. The jury could have determined that Stroop committed an act under her assumed character by providing information to the probation officer to be used in setting bail and appointing counsel. Substantial evidence supports her conviction.

Having determined that the jury could have found that an act occurred, we need not address Stroop's argument that *State v. Williams*, 171 Wn.2d 474, 251 P.3d 877 (2011), requires reversal of her 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 in accordance with RCW 2.06.040, it is so ordered.

We concur:

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Johanson, J.

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Armstrong, P.J.

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Quinn-Brintnall, J.