IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. J.A.J., Appellant.	No. 42069-4-II UNPUBLISHED OPINION

Van Deren, J. — JAJ[1] appeals his adjudication for being a minor in a public place while exhibiting the effects of having consumed liquor, arguing that the evidence was insufficient to convict him. We affirm.[2]

At about 1:24 a.m. on November 13, 2010, JAJ knocked on the door of the Raymond Police Department. Raymond Police Officer Kyle Pettit answered the door and "asked [JAJ] what the problem was." Report of Proceedings (RP) at 7. JAJ said he had been assaulted but did not want to say who had assaulted him. Pettit observed that JAJ's clothing was wet and dirty as if he had been on the ground. He also noticed "a strong odor of intoxicants coming from [JAJ]." RP at 9. Pettit observed that JAJ had bloodshot and watery eyes and was "standoffish," and

[1] Under RAP 3.4, this court changes the title of the case to the juvenile's initials to protect the juvenile's interests in privacy.

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

concluded that JAJ was intoxicated. RP at 9. He retrieved an identification card from JAJ showing that he was under the age of 21 years.

The State charged JAJ with being a minor in possession of alcohol, in violation of RCW 66.44.270(2)(b). After a bench trial, at which Pettit testified, the juvenile court issued a memorandum opinion finding JAJ guilty because he "had a strong odor of intoxicants on his breath and indicated by his manner and appearance that he had consumed liquor." Clerk's Papers (CP) at 5. The court subsequently entered a finding that the allegations contained in the information had been proved beyond a reasonable doubt as "set forth in the [March 15, 2011] memorandum opinion." CP at 7.

JAJ appeals, arguing that the State failed to present sufficient evidence that he committed the crime charged.[3] 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 (1992).

Under RCW 66.44.270(2)(b):

It is unlawful for a person under the age of twenty-one years to be in a public

[3] He also argues that the juvenile court failed to make findings of fact as required by JuCR 7.11(d) and that reversal of his conviction is required. *State v. Head*, 136 Wn.2d 619, 622, 964 P.2d 1187 (1998). But the juvenile court did make a finding incorporating its memorandum opinion. This finding, while desultory, satisfies the requirement of JuCR 7.11(d).

> place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor.[4]

JAJ argues that while the State presented sufficient evidence that he had the odor of liquor on his breath, it did not present sufficient evidence that "by speech, manner, appearance, behavior, lack of coordination, or otherwise, [he] exhibit[ed] that he [was] under the influence of liquor." RCW 66.44.270(2)(b)(ii). But Pettit testified that JAJ had bloodshot and watery eyes and was "standoffish." RP at 9. And he opined—based on his training—that JAJ's appearance and behavior exhibited that he was under the influence of liquor. That testimony is sufficient evidence to support JAJ's adjudication. 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:

Van Deren, J.

Armstrong, J.

Hunt, J.

[4] RCW 66.44.270(2)(b) does not apply if the minor consumes liquor in the presence of a parent or guardian, for medicinal purposes, or in connection with religious services. RCW 66.44.270(3), (4), (5). There is no evidence in the record suggesting that any of these exceptions applied to JAJ. Nor is the absence of these exceptions an element of the crime that the State must prove beyond a reasonable doubt. *State v. Lawson*, 37 Wn. App. 539, 542-43, 681 P.2d 867 (1984).