

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

ERIC SCOTT BOWIE,

Appellant.

No. 38322-5-II

UNPUBLISHED OPINION

Quinn-Brintnall, J. — Eric Bowie appeals his conviction for unlawful possession of a stolen vehicle, arguing that the State failed to present sufficient evidence to prove that he knew the vehicle was stolen. Concluding that the State presented sufficient evidence, we affirm.¹

On the evening of December 31, 2007, Trooper David Bertholf stopped a silver Cadillac with Oregon license plates for speeding. The driver, Bowie, produced his driver’s license and a rental agreement for the Cadillac. Bertholf understood the rental agreement to mean that the return date for the Cadillac was “9/12/07,” which he interpreted as September 12, 2007. Report of Proceedings (June 26, 2008) at 30. Bowie said that he had extended the rental agreement but did not have the paperwork for that extension.² Bertholf gave Bowie a warning, advising him to

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

get the paperwork for the extension. As he was walking back to his patrol car, the Washington State Patrol communications office advised him that the Cadillac had been reported stolen. Bertholf got in his patrol car, pursued the Cadillac, stopped it again, and arrested Bowie for unlawful possession of a stolen vehicle.

The State charged Bowie with unlawful possession of a stolen vehicle. Trooper Bertholf testified as described above. Marvin Bryant, an administrative clerk for Alamo Rent-a-Car, testified that Bowie had rented the Cadillac on December 9, 2007, with a return date of December 10, 2007. The dates on the rental contract were written with the day of the month listed first, followed by the month and the year, i.e., “9/12/09” and “10/12/09”. Exhibit 3. He testified that he discovered on December 10, 2007, that the Cadillac had not been returned and began to document its overdue status. He called the telephone number listed for Bowie on the rental agreement but received neither an answer nor a call back. He tried to authorize more funds on the credit card number listed for Bowie on the rental agreement, but the credit card was declined. He sent a demand letter to the address listed for Bowie on the rental agreement, but the letter came back unclaimed. On December 18, 2007, he filed a police report with Port of Seattle Police reporting the Cadillac as stolen. Bowie did not testify. The jury found him guilty.

Bowie argues that the State failed to present sufficient evidence that he knew the Cadillac was stolen when Trooper Bertholf stopped him. He contends that there was no evidence that he (1) received the telephone message from Alamo Rent-a-Car regarding the Cadillac, (2) received the demand letter, or (3) knew that Alamo Rent-a-Car had reported the Cadillac as stolen.

² After a CrR 3.5 hearing, the trial court found that Bowie’s statements to Trooper Bertholf were admissible.

Evidence is sufficient to support a conviction if any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt when viewing the evidence in the light most favorable to the State. *State v. Thomas*, 150 Wn.2d 821, 874, 83 P.3d 970 (2004). An appellant claiming insufficiency of the evidence ““admits the truth of the State’s evidence and all inferences that reasonably can be drawn therefrom.”” *Thomas*, 150 Wn.2d at 874 (quoting *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992)). Taken in the light most favorable to the State, Bowie rented the Cadillac on December 9, 2007, with a return date of December 10, 2007, and was still in possession of the Cadillac on December 31, 2007, with no evidence that he had extended his rental of the Cadillac. A rational jury could infer from these facts that Bowie knew that the Cadillac was a stolen vehicle as of December 31, 2007. *State v. Johnson*, 119 Wn.2d 167, 174, 829 P.2d 1082 (1992). Thus, the State presented sufficient evidence that Bowie unlawfully possessed a stolen vehicle.

We affirm Bowie’s conviction.

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:

HOUGHTON, P.J.

HUNT, J.