IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. JAY R. MORRIS, Appellant.	No. 38576-7-II UNPUBLISHED OPINION

Bridgewater, J. — Jay R. Morris appeals his conviction for first degree trafficking in stolen property. We affirm, holding that the evidence was sufficient to support the charge.

On July 15, 2008, around 1:00 pm, Morris purchased a chainsaw from a stranger in a parking lot. Morris believed the chainsaw was worth $150 but only paid $40; within the hour, he pawned the chainsaw for $50. At the time he purchased the chainsaw, Morris "was a little bit leery if it was stolen." RP at 46.

Meanwhile, on the same day, Thurston County Deputy Sheriff Josh Wilsbach noticed that his chainsaw was missing from his garage. Wilsbach had left the chainsaw unattended in his open garage from about 1:00 pm until 1:30 pm. Suspecting that the chainsaw had been stolen, Wilsbach immediately reported the theft to police.

Deputy Christopher Mondry, while investigating the missing chainsaw, received copies of receipts from a pawnshop that recently acquired a chainsaw. The receipts indicated that Morris

had pawned the chainsaw. The State charged Morris with first degree trafficking in stolen property.

The only issue to decide on appeal is whether the jury had sufficient evidence to find that Morris knew the chainsaw was stolen when he purchased it from a stranger in a parking lot. We examine Morris's sufficiency claim under the familiar sufficiency test of *State v. Green,* 91 Wn.2d 431, 443, 588 P.2d 1370 (1979), and *State v. Thomas,* 150 Wn.2d 821, 875, 83 P.3d 970 (2004).

To convict a defendant of first degree trafficking in stolen property, the State must prove that he knowingly transferred or disposed of stolen property. RCW 9A.82.050; RCW 9A.82.010(19). A defendant has knowledge when he is directly aware of a fact or circumstance or has information which would lead a reasonable person to conclude that the fact exists. RCW 9A.08.010(1)(b)(i), (ii). A jury cannot presume knowledge but may infer it. *State v. Womble*, 93 Wn. App. 599, 604, 969 P.2d 1097, *review denied*, 138 Wn.2d. 1009 (1999).

Mere possession of stolen property is not sufficient to infer knowledge, but possession in connection with other evidence tending to show guilt is sufficient. *State v. Couet*, 71 Wn.2d 773, 775, 430 P.2d 974 (1967); *Womble*, 93 Wn. App. at 604. Evidence tending to show guilt includes providing an unlikely story or providing a story that the police cannot check or rebut. *Couet*, 71 Wn.2d at 776 (citing *State v. Portee*, 25 Wn.2d 246, 253, 254, 170 P.2d 326 (1946)).

Here, the jury had sufficient evidence to find that Morris knew that the chainsaw was stolen. Not only did Morris admit in testimony that he suspected the chainsaw might have been stolen, but he also provided the jury with an improbable story incapable of being checked or rebutted. It is unlikely that a reasonable person would buy a chainsaw from a complete stranger,

in a parking lot, for a drastically reduced price, without any reassurance that the chainsaw was not stolen. Indeed, Morris did not give any reason why the stranger was selling the chainsaw at such a discount. It is also unlikely that Morris pawned a chainsaw that he believed to be worth $150 for only $50. Morris's improbable story was also incapable of being checked or rebutted; the seller was a stranger in a parking lot. Viewing the evidence in the light most favorable to the State, we hold that the jury had sufficient evidence to find that Morris knew the chainsaw was stolen.

Affirmed.

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.

Bridgewater, P.J.

We concur:

Armstrong, J.

Quinn-Brintnall, J.