

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

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

LORENZO QUINDELOS HAYNES,

Appellant.

No. 38789-1-II

UNPUBLISHED OPINION

Penoyar, J .— Lorenzo Quindeloz Haynes appeals his felony violation of a domestic violence court order conviction, arguing that the State failed to present sufficient evidence of the victim’s identity or of Haynes’s willful intent to violate the order. The State presented sufficient evidence. We affirm.<sup>1</sup>

**FACTS**

On June 1, 2008, Lakewood Police Officer Brian Markert responded to a report of “unknown trouble” at an apartment complex. Report of Proceedings (RP) at 30. He saw three people standing around a car. One of them, Haynes, was yelling at a woman standing within his arm’s reach. Another man was standing nearby. Another officer obtained the woman’s identification card and gave it to Markert. The card identified the woman as Clarice R. Fleming.

After Markert identified himself, Haynes started to walk toward an apartment building. After telling Haynes to stop a number of times, Markert grabbed his arm and stopped him. Haynes told Markert that he had come to his apartment and found Fleming, his girlfriend, and his brother having sex. Markert checked his computer system and found three domestic violence

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

protection orders with Haynes as the respondent and Fleming as the protected party. Markert arrested Haynes for violating those orders.

Because Haynes had been convicted twice previously of violating protection orders, the State charged him with felony violation of a domestic violence protection order. Markert testified as described above. The jury found Haynes guilty as charged.

#### ANALYSIS

Haynes argues first that the State failed to present sufficient evidence that the woman he was seen with was Clarice Fleming, the woman protected by the domestic violence protection order. 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). A claim of insufficiency “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, Markert examined an identification card that another officer had retrieved from the woman Haynes was yelling at. That card identified her as Clarice Fleming. In his conversation with Markert, Haynes did not deny that the woman he was yelling at was Fleming or deny the existence of a domestic violence protection order protecting her from him. Even though Fleming did not testify, the State presented sufficient evidence that the woman was the protected party in the order issued against Haynes.

Haynes next argues that the State failed to present sufficient evidence that he willfully violated the domestic violence protection order. He contends that when he came home, Fleming was already in his apartment, so he did not willfully contact her. Had that been the only contact

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between him and Fleming, and had he then left, he might be correct. However, when Markert arrived, he was outside the apartment, yelling at Fleming, who was within his arm's reach. A rational trier of fact could find beyond a reasonable doubt that Haynes's confrontation with Fleming outside the apartment was a willful violation of the domestic violence protection order.

We affirm Haynes's conviction.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports but it will be filed for public record pursuant to RCW 2.06.040.

Penoyar, J.

We concur:

Van Deren, C.J.

Hunt, J.