

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 62062-2-I
)	
Respondent,)	DIVISION ONE
)	
v.)	
)	
DENNIS JAMES BLOWERS,)	UNPUBLISHED
a.k.a. DENNIS JAMES CLAY,)	
)	FILED: <u>November 16, 2009</u>
Appellant.)	
)	
)	

Cox, J. — Evidence is sufficient to support a conviction if, when viewed in the light most favorable to the State, any rational trier of fact could have found beyond a reasonable doubt the essential elements of the crime.¹ Here, because there was sufficient evidence upon which a rational trier of fact could find that all the essential elements of obstructing a law enforcement officer were proven beyond a reasonable doubt, we affirm.

Around 3:00 a.m. on June 23, 2007, Seattle police officer Eric Werner observed a vehicle going 60 to 80 miles per hour in a zone with a marked limit of 30 m.p.h. in south Seattle. Officer Werner activated his lights and sirens in an effort to get the driver, who police later determined was Dennis Blowers, to pull over. Instead, Blowers fled and led officers from multiple law enforcement

¹ State v. Joy, 121 Wn.2d 333, 338, 851 P.2d 654 (1993).

agencies on a high-speed chase. The chase ended at Blowers' residence in Kent.

Blowers stopped in front of his house and ran inside. Officers arrived a few minutes later, looked into Blowers' car, and saw a handgun on the floorboard. The officers also received information that there were children inside the house with Blowers. After securing the area around the house, officers tried to make contact with Blowers to negotiate a peaceful resolution. Over the next several hours the officers remained outside while they made numerous efforts to contact Blowers and encourage him to exit the home.

Blowers finally surrendered approximately 12 hours after entering his residence. The officers arrested him.

The State charged Blowers with attempting to elude a pursuing police vehicle, unlawful possession of a firearm in the first degree, driving while license suspended/revoked in the first degree, and obstructing a law enforcement officer. A jury found Blowers guilty as charged.

Blowers appeals.

SUFFICIENCY OF EVIDENCE

Blowers' sole argument on appeal is that there is insufficient evidence to support his conviction for obstructing a law enforcement officer. We disagree.

Evidence is sufficient to support a conviction if, when viewed in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.² "When the

sufficiency of the evidence is challenged in a criminal case, all reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant.”³ “A claim of insufficiency admits the truth of the State’s evidence and all inferences that reasonably can be drawn therefrom.”⁴

A person is guilty of obstructing a law enforcement officer if he or she willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.⁵ Courts have also described the essential elements of the crime as:

“(1) that the action or inaction in fact hinders, delays, or obstructs; (2) that the hindrance, delay, or obstruction be of a public servant in the midst of discharging his official powers or duties; (3) knowledge by the defendant that the public servant is discharging his duties; and (4) that the action or inaction be done knowingly by the obstructor.”^[6]

Here, the State presented evidence that Blowers drove at a speed estimated between 60 to 80 m.p.h. in a 30 m.p.h. zone. He then eluded police in a high-speed chase that ended at his house. In a further attempt to avoid being taken into custody, he ran into his house around 3:07 a.m.

² Id.

³ State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

⁴ Id.

⁵ RCW 9A.76.020(1).

⁶ State v. Contreras, 92 Wn. App. 307, 315-16, 966 P.2d 915 (1998) (quoting State v. CLR, 40 Wn. App. 839, 841-42, 700 P.2d 1195 (1985)); Clerk’s Papers at 66-67 (jury instructions).

Law enforcement officers tried several methods of contacting Blowers after he went inside the house. Seattle police officer David Ellithorpe, a trained negotiator, used a loudspeaker outside the house and also called the residence's phone number in attempts to make contact with Blowers. Washington State Patrol Sergeant Trent Cain asked Blowers to come out of the residence multiple times. Sergeant Cain tried to get in touch with Blowers over the loudspeaker, the land line to the house, and Blowers' cellular phone. At one point, Blowers came outside after Sergeant Cain asked, but Blowers then turned around and went back inside the house. Blowers finally surrendered after the SWAT team used tear gas, at 2:56 p.m.

At trial, Sergeant Cain testified that Blowers' actions on the day of the incident—refusing to come out of the house when requested and refusing to answer the phone—delayed his ability to do his job that day. Detective Chris Webb gave similar testimony.

Trooper James Mjor, while positioned near the back corner of the house, saw and overheard Blowers talking on the phone to someone named Tony. Blowers told Tony that he was involved in a police chase, got to his house, and went to sleep. According to Trooper Mjor, Blowers "also made mention that when he woke up, he was surrounded by law enforcement, there [were] helicopters above, he could see himself on the news, and that he didn't want to go back to jail."⁷

⁷ Report of Proceedings (May 28, 2008) at 95-96.

The above evidence is sufficient to support Blowers' conviction. The evidence proves beyond a reasonable doubt that (1) Blowers' actions in fact delayed (2) public servants in the midst of discharging their official powers or duties, (3) that Blowers knew the officers were discharging their duties, and (4) that Blowers' actions were done knowingly.⁸

Blowers does not contend that any of the four essential elements of the crime described above are lacking. Instead, he argues that his actions did not constitute the crime of obstructing law enforcement because he has a constitutional right "to the privacy of his home." The central assumption in Blowers' argument appears to be that, for constitutional purposes, police demanding a person exit his home is the same as police entry into a home. He is mistaken.

It is clear that a person has a constitutional right to be free from government intrusion into his home absent the officer having a warrant or relying on an exception to the warrant requirement.⁹ The State correctly cites State v. Bessette¹ for the proposition that a defendant cannot be convicted for the crime of obstruction for exercising a constitutional right, including his rights under the Fourth Amendment of the United States Constitution and article I, section 7 of

⁸ See Contreras, 92 Wn. App. at 315-16.

⁹ City of Pasco v. Shaw, 161 Wn.2d 450, 459, 166 P.3d 1157 (2007) ("Both the Fourth Amendment and article I, section 7 provide strict privacy protections where invasion of a person's home is involved.").

¹ 105 Wn. App. 793, 21 P.3d 318 (2001).

the state constitution.¹¹ But Blowers cites no authority to support his argument that remaining in his home and not surrendering himself to police were constitutionally protected actions. His argument is therefore unpersuasive.

Blowers next argues that he cannot be held criminally liable for refusing to answer the phone because a person has the right to refuse to speak to police.¹² It is true that mere refusal to answer questions cannot be the basis of an arrest for obstruction of a police officer.¹³ But, as described above, Blowers refused to answer the phone, knowing that police were attempting to contact him to persuade him to leave the residence to be taken into custody.

Finally, Blowers argues that the sum of the State's evidence and its argument at trial was that, but for Blowers' failure to exit his house earlier, police officers "could have been doing something else." He elaborates in his reply brief, arguing that the State did not prove to the jury that Blowers obstructed the officers' exercise of their official powers or duties because the State did not identify what authority the officers had to demand Blowers to leave his home. In making these arguments, Blowers ignores the fact that none of the essential elements of the crime requires the State to identify such authority. In any event, the jury also convicted him of attempting to elude a pursuing police vehicle, first degree driving while license suspended/revoked, and first degree unlawful

¹¹ Brief of Respondent at 3 (citing Bessette, 105 Wn. App. at 796-97).

¹² Brief of Appellant at 4 (citing Miranda v. Arizona, 384 U.S. 436, 474-75, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)).

¹³ See State v. White, 97 Wn.2d 92, 106, 640 P.2d 1061 (1982).

possession of a firearm. Blowers has not challenged these convictions on appeal. A rational trier of fact could have found that the officers were discharging their official powers or duties in demanding that Blowers leave his home, as they plainly sought to detain him for these other crimes. His suggestion that the conviction was based merely on the fact that police "could have been doing something else" is unpersuasive.

We affirm the judgment and sentence.

Cox, J.

WE CONCUR:

Leach, J.

Schindler, CT