

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	No. 65056-4-I
)	
Respondent,)	
)	
v.)	
)	
TRINIDAD MACIEL MOLINA,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: September 19, 2011
)	

Ellington, J. — Trinidad Maciel Molina contends there was insufficient evidence to convict him of felony failure to register as a sex offender. We affirm.

BACKGROUND

The State charged Molina with one count of felony failure to register as a sex offender, alleging Molina had a 1999 conviction for rape in the third degree that required him to register as a sex offender and that he failed to do so.

At trial, the State offered a certified copy of a Yakima County judgment and sentence from 1999. The conviction was for rape in the third degree and the defendant named in that case was “Trinidad Maciel Molina,” born July 28, 1955.¹ The State also offered a certified copy of a Skagit County felony judgment and sentence from October 2009. The defendant identified on that document, “Trinidad Maciel

¹ Ex. 1.

Molina,” born July 28, 1955, pleaded guilty to “sex offender failure to register,” and was sentenced to 40 days confinement in Skagit County Jail.² The defendant’s signature line on this document is signed with an “X.”

The State called Deputy John Donahue, a Skagit County jail corrections deputy. He identified Molina in court and testified that Molina had served time at Skagit County jail for failure to register as a sex offender. Donahue had processed Molina at his November 1, 2009 release, and helped Molina complete documents regarding his registration requirements. These documents identify the “Registered Sex & Kidnapping Offender” as “Trinidad M. Molina,” born July 28, 1955.³ The signature lines for the inmate/offender are signed with an “X.”

After the State rested its case, defense counsel moved to dismiss the charge, arguing the State had not proven beyond a reasonable doubt that the person named in the Yakima County judgment and sentence was the defendant in this case. The court denied the motion, finding the evidence was sufficient to send to the jury.

The jury found Molina guilty of felony failure to register as a sex offender as charged.

DISCUSSION

Evidence is sufficient to support a conviction if, viewed in the light most favorable to the prosecution, a rational trier of fact could find the elements of the crime proved beyond a reasonable doubt.⁴ For the jury to convict a defendant of the

² Br. of Resp’t (Appendix D).

³ Br. of Resp’t (Appendix B, C); Ex. 2, 3.

⁴ State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

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felony crime of failure to register as a sex offender, the State must prove beyond a

reasonable doubt each element of that crime, including that the defendant has a prior conviction for a “felony sex offense.”⁵ Rape in the third degree is a felony sex offense.⁶

Where a prior conviction is an element of the substantive crime charged, the State must present more than a copy of a judgment and sentence to prove that element; it must show by independent evidence that the person whose former conviction is proved is the defendant in the present action.⁷

Here, the State offered more than a certified copy of a 1999 judgment and sentence for rape in the third degree to prove Molina’s underlying prior conviction. It also offered a 2009 judgment and sentence where a defendant with the same name—“Trinidad Maciel Molina”—pleaded guilty to failure to register. That document showed a criminal history that included a 1999 rape in the third degree conviction and was signed by the defendant with an “X.” Deputy Donahue testified that the defendant, Molina, in this case was the same “Trinidad Maciel Molina” who served time in Skagit County jail for the aforementioned failure to register conviction. Donahue had helped Molina fill out his sex offender registration paperwork, including his full name and birth date. Molina had signed his name to these documents with an “X.”

⁵ Former RCW 9A.44.130(11)(a) (2010).

⁶ RCW 9A.44.060(2).

⁷ State v. Hunter, 29 Wn. App. 218, 221, 627 P.2d 1339 (1981) (citing State v. Harkness, 1 Wn.2d 530, 543, 96 P.2d 460 (1939) (“identity of names alone is not sufficient proof of the identity of a person to warrant the court in submitting to the jury a prior judgment of conviction”)).

Donahue's identification of Molina as the same person who served time for a 2009 conviction for failure to register, together with the 1999 and 2009 judgment and sentence documents bearing corroborating names, birth dates, criminal history and signatures, provides sufficient evidence for a rational trier of fact to conclude that the Molina charged in this case is the same person convicted of rape in the third degree in 1999.

Affirmed.

Edmonton, J.

WE CONCUR:

Cox, J.

Grosse, J.