

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

CRAIG STEVEN COLEMAN,

Appellant.

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No. 66326-7-1

DIVISION ONE

UNPUBLISHED OPINION

FILED: July 16, 2012

Appelwick, J. — Craig Coleman argues his conviction as an accomplice to delivery of a controlled substance is not supported by substantial evidence.¹ We affirm.

FACTS

Seattle Police Officer Andrew West was working undercover in Seattle’s Belltown neighborhood as part of a buy-bust operation to purchase street-level narcotics. While walking along Second Avenue, Officer West made eye contact with Craig Coleman and asked, “What’s up?” Coleman replied, “You looking?” Officer West asked Coleman, “You got 40?” (a common reference to \$40 worth of narcotics).

¹ Coleman also argues that the judgment and sentence erroneously listed an offender score of 10. But, the oral ruling of the court at sentencing, and the sentence given, were based on a calculated score of six. An amended judgment and sentence with the correct score of six was filed on August 2, 2011, rendering this issue moot.

Coleman did not, but said he knew somebody who did and indicated that Officer West should follow him.

The pair began walking together and came upon Shaniqua Bolds. Coleman and Bolds started talking to each other, and Officer West said he was looking for \$40 worth of crack cocaine. Bolds told Officer West and Coleman to wait there while she retrieved the drugs. She ran down the street, and Officer West and Coleman continued to walk together down Second Avenue. When Officer West asked where Bolds was, Coleman pointed to a silver truck and said that Bolds was inside. Coleman said, "Come on, we got to go down to First Avenue." When they reached the northeast corner of the intersection at First Avenue and Wall Street, the silver truck pulled up beside them. Officer West saw that Bolds was in the passenger seat. Bolds pointed to the southwest corner of the intersection, indicating she wanted to meet them there. Officer West and Coleman proceeded to the intersection's southwest corner.

Bolds got out of the vehicle and asked for Officer West's money. Officer West asked to see the drugs. Bolds displayed two stones of crack cocaine in her palm and then handed them to Coleman. In return, Officer West gave Bolds \$40. Officer West grabbed one stone from Coleman, but Coleman held on to the other, broke off half of it, and said, "You need to hook me up."

Officer West made a "good buy" sign, indicating to other officers that a buy had been made and the arrest team should move in. Coleman was arrested, and a crack pipe was found in his possession. The State crime lab confirmed that the substance Bolds handed to Coleman was cocaine.

The State charged Coleman with delivery of a controlled substance under the

theory that Coleman was an accomplice to Bolds. The jury failed to reach a verdict, a mistrial was granted, and Coleman was retried. At the second trial, Coleman was found guilty.

DISCUSSION

Sufficient evidence supports a conviction when, viewing the evidence in the light most favorable to the State, a rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. State v. Engel, 166 Wn.2d 572, 576, 210 P.3d 1007 (2009). A claim of insufficiency admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

A person is guilty of delivery of a controlled substance if, with intent to deliver, he delivers a controlled substance, such as cocaine, and knows that the delivered substance is controlled. RCW 69.50.401; State v. DeVries, 149 Wn.2d 842, 849-50, 72 P.3d 748 (2003). An accomplice bears the same criminal responsibility as a principal. State v. Silva-Baltazar, 125 Wn.2d 472, 480, 886 P.2d 138 (1994). A person is an accomplice if, with knowledge that it will promote or facilitate the commission of the crime, he solicits, commands, encourages, or requests another person to commit the crime, or he aids or agrees to aid another person in planning or committing the crime. RCW 9A.08.020(3)(a)(i-ii). Mere presence at the commission of a crime, even coupled with knowledge that the presence will aid in the commission of the crime, is not sufficient to show accomplice liability. State v. Rotunno, 95 Wn.2d 931, 933, 631 P.2d 951 (1981). But, a defendant need not participate in each element of the crime, nor share the same mental state that is required of the principal. State v. Galisia, 63 Wn.

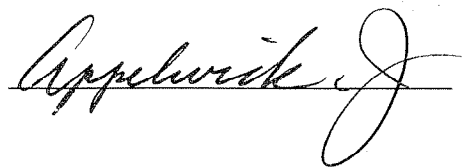
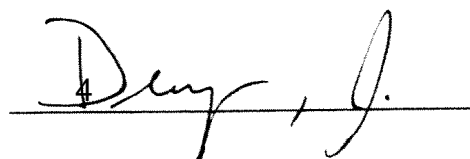
App. 833, 840, 822 P.2d 303 (1992).

Coleman argues that there is insufficient evidence to prove that he delivered a controlled substance. He portrays himself as merely an addict looking for drugs. But, Coleman was charged as an accomplice, not a principal. It was sufficient for the State to prove that Coleman aided Bolds in the delivery of a controlled substance.

Coleman told Officer West he knew someone who had drugs, and indicated that Officer West should follow him. When they located Bolds, Bolds and Coleman began talking and appeared to know each other. After Bolds left to retrieve the drugs, Coleman stayed with Officer West and escorted him to the meeting location. At one point, Coleman indicated that Bolds was in a silver truck at an intersection. Then, without prompting, Coleman told Officer West they needed to meet Bolds at a different intersection. When Bolds handed over the drugs, she gave them to Coleman and then took the money from Officer West. The State crime lab confirmed that the substance was cocaine, a controlled substance. Coleman wanted drugs in exchange for helping Officer West, but that does not alter the fact that he aided Bolds by actively arranging for the sale to occur. Coleman was not merely present when the sale occurred, and he was not aimlessly looking for drugs. The State presented sufficient evidence for a rational trier of fact to find Coleman guilty as an accomplice.

We affirm.

WE CONCUR:

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Becker, J.