

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

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|--------------------------|---|----------------------------------|
| STATE OF WASHINGTON, |) | No. 66515-4-I |
| |) | |
| Respondent, |) | DIVISION ONE |
| |) | |
| v. |) | |
| |) | |
| J.N.-G. (DOB: 03/07/94), |) | UNPUBLISHED |
| |) | |
| Appellant. |) | FILED: <u>September 19, 2011</u> |
| |) | |
| |) | |

Cox, J.—J.N.-G. appeals his juvenile adjudication and disposition for second degree taking a motor vehicle without permission. Viewing the evidence in the light most favorable to the State and drawing all reasonable inferences in the State’s favor, we conclude that there is sufficient evidence to support the trial court’s finding of fact and the adjudication. We affirm.

In May 2010, a Renton police officer ran the license plate number of a vehicle and learned that it was reported stolen. The officer stopped the vehicle and arrested the driver and the passenger, J.N.-G.

The State charged J.N.-G. with second degree taking a motor vehicle without permission. Following a bench trial, the trial court convicted J.N.-G. as charged.

J.N.-G. appeals.

SUFFICIENCY OF THE EVIDENCE

J.N.-G. challenges one of the trial court's findings and argues that the State presented insufficient evidence to prove he had knowledge that the vehicle was stolen. We disagree.

We review the juvenile court's findings of fact for substantial evidence.¹ "In determining whether the requisite quantum of proof exists, the reviewing court need not be convinced of the defendant's guilt beyond a reasonable doubt, but only that substantial evidence supports the State's case."²

In a challenge to the sufficiency of the evidence, we view the evidence in the light most favorable to the State and decide whether any rational trier of fact could have found guilt beyond a reasonable doubt.³ We defer to the trier of fact on issues of witnesses credibility and persuasiveness of the evidence.⁴

A person is guilty of second degree taking a motor vehicle without permission if he, without the permission of the owner, voluntarily rides in a motor vehicle with knowledge that the automobile was unlawfully taken.⁵ An individual

¹ State v. B.J.S., 140 Wn. App. 91, 97, 169 P.3d 34 (2007).

² State v. Jones, 93 Wn. App. 166, 176, 968 P.2d 888 (1998).

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

⁴ State v. Thomas, 150 Wn.2d 821, 874-75, 83 P.3d 970 (2004), abrogated in part on other grounds by Crawford v. Washington, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004).

⁵ RCW 9A.56.075(1).

has knowledge when “he or she has information which would lead a reasonable person in the same situation to believe that facts exist which facts are described by a statute defining an offense.”⁶

Here, three police officers, Cassidy Steed, Kevin Lane, and Randy Jensen, testified that the steering column of the vehicle in which J.N.-G. was riding was damaged and that the ignition was hanging below it. Officers Steed and Lane explained that this was consistent with a stolen vehicle. On cross-examination, Officer Steed conceded that it was possible that someone could buy a vehicle with an ignition and steering column in this condition. But, Officer Lane stated that he had only seen such damage on a stolen vehicle.

Officer Steed testified that the driver said that he purchased the car earlier that morning. But he could not produce a receipt, registration, or bill of sale.

Officer Jensen testified that, upon arrest, J.N.-G. told him that the driver used a key underneath the steering column to start the vehicle. No key was found.

The trial court entered the following finding of fact:

The Court found that the inference [of knowledge] is fully justified in this case and that the condition of the steering column would leave anyone, regardless of age or experience, believing the vehicle was stolen regardless of what they were told by the driver. . .^[7]

⁶ RCW 9A.08.010(1)(b)(ii).

⁷ Clerk’s Papers at 9 (Finding of Fact 11).

J.N.-G. challenges this finding. He argues that there was evidence that damage to a steering column does not necessarily establish that a car is stolen and that the driver stated that the vehicle was purchased legally.

The credibility of the witnesses and the persuasiveness of the evidence are issues to be decided by the trier of fact.⁸ Considering the evidence in the light most favorable to the State, there was substantial evidence to support the trial court's finding that J.N.-G. had knowledge that the vehicle in which he was riding was unlawfully taken. Therefore, any rational trier of fact could have found guilt beyond a reasonable doubt.

We affirm the adjudication and disposition.

Cox, J.

WE CONCUR:

Elemyon, J.

Grosse, J.

⁸ Thomas, 150 Wn.2d at 874-75.