

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 68014-5-I
)	
Respondent,)	DIVISION ONE
)	
v.)	
)	UNPUBLISHED OPINION
DARIAN DOWNING,)	
)	
Appellant.)	FILED: September 24, 2012

Schindler, J. — The juvenile court found Darian Downing¹ guilty of obstruction of a law enforcement officer in violation of RCW 9A.76.020. Downing argues insufficient evidence supports the conclusion that the State proved that he hindered or delayed a law enforcement officer. Because substantial evidence supports the finding of guilt, we affirm.

FACTS

The facts are undisputed.² On June 10, 2011, Officer Kevin Lane and Officer Susan Hassinger were on patrol at the Renton Transit Center. Officer Hassinger said that she heard very loud music from a group of six to eight people standing

¹ As a general rule, we use initials in identifying a respondent in a juvenile court proceeding. But here, the parties did not use initials in the caption because Downing was 18 years old.

² Downing does not challenge the factual findings. Unchallenged findings of fact are verities on appeal. Moreman v. Butcher, 126 Wn.2d 36, 40, 891 P.2d 725 (1995).

approximately 15 feet away from her. A 17-year-old male, later identified as Darian Downing, left the others in the group and walked toward Officer Hassinger. Officer Hassinger said that Downing was holding either a cell phone, iPod, or portable radio that continued to play the loud music. When Downing was about five feet away from Officer Hassinger, she asked him to turn the music down. Downing did not respond. Officer Hassinger then used a louder voice to ask Downing to stop. As Officer Hassinger walked toward Downing, he continued to walk away from her. Officer Lane then loudly asked Downing to stop. Downing looked back over his shoulder and made eye contact with the Officers but continued to walk away.

After the Officers caught up with Downing, Officer Lane grabbed his arm and told him to stop. Downing “swung his arm . . . and told [Officer Lane] to get [his] fucking hands off of him.” Believing Downing “was going to try some type of physical force against us,” the Officers attempted to put Downing in handcuffs. As the Officers attempted to handcuff him, Downing resisted. Because the Officers were not able to handcuff Downing while he was standing, Officer Hassinger “took [Downing] to the ground with a leg sweep” to handcuff him. Despite the Officers’ instructions to put his hands behind his back, Downing continued to try to bring his hands in front of himself to avoid being handcuffed. The Officers handcuffed and arrested Downing. The Officers testified that the encounter with Downing lasted no more than two minutes.

Downing’s date of birth is September 27, 1993. On July 11, 2011, the State charged Downing in juvenile court with transit misconduct in violation of RCW 9.91.025(1), and obstructing a law enforcement officer in violation of RCW

9A.76.020(1). The juvenile court granted Downing's motion to extend jurisdiction beyond Downing's 18th birthday.

On November 15, 2011, the court held a fact-finding hearing. Officer Hassinger, Officer Lane, and Downing testified. The court found the testimony of the Officers more credible than Downing.

The Court considered the credibility of Officer Lane and Officer Hassinger during the course of their testimony. The Court considered demeanor, interest, bias, reasonableness, and anything else the court felt affected the believability of the witnesses. The Court afforded the appropriate weight of each of these considerations. The Court found the testimony of Officer Lane and Officer Hassinger credible.

The court found Downing guilty of obstruction of a law enforcement officer but not guilty of transit misconduct. The court ordered Downing to serve four days in detention with credit for four days already served.

ANALYSIS

Downing argues the State did not prove the essential elements of the crime of obstruction of a law enforcement officer. Specifically, Downing claims insufficient evidence supports the conclusion that he hindered or delayed a law enforcement officer.

The State must prove each essential element of the crime beyond a reasonable doubt. In re Winship, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970); State v. Oster, 147 Wn.2d 141, 146, 52 P.3d 26 (2002). In deciding whether sufficient evidence supports the conviction of obstructing a law enforcement officer, we must view the evidence in the light most favorable to the State to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable

doubt. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). A challenge to the sufficiency of the evidence admits the truth of the State's evidence. Salinas, 119 Wn.2d at 201. “[A]ll reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant.” Salinas, 119 Wn.2d at 201. We defer to the trier of fact on “issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence.” 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).

Downing challenges Conclusion of Law II(a). Conclusion of Law II(a) states, in pertinent part: “[T]he respondent willfully hindered, delayed, and obstructed Officer Hassinger and Officer Lane in the discharge of their official powers or duties as law enforcement officers.”

Without citation to authority, Downing argues that because the encounter with the Officers lasted no more than two minutes, the State did not prove that he “hindered or delayed” the Officers. Neither the statute defining the crime of obstruction of a law enforcement officer nor case law supports his argument.

RCW 9A.76.020(1) defines the crime of obstructing a law enforcement officer as follows:

A person is guilty of obstructing a law enforcement officer if the person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

In State v. Hudson, 56 Wn. App. 490, 498 n.3, 784 P.2d 533 (1990), we addressed the meaning of “hinder” and “delay” under former RCW 9A.76.020(3) (1975).³ The court

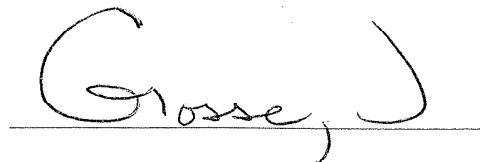
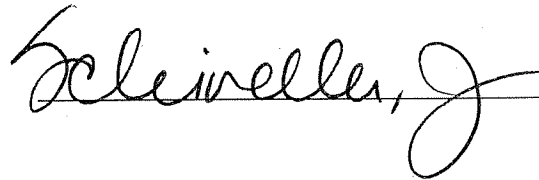
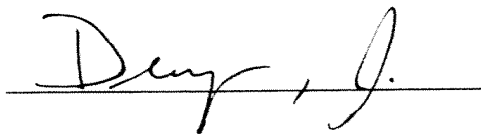
³ Former RCW 9A.76.020(3) states, in pertinent part: “Every person who . . . shall knowingly

held that “hinder” means to “ ‘make slow or difficult the course or progress of . . . to keep from occurring . . . to interfere with the activity of . . . to delay, impede, or prevent action.’ ” To “delay” means to “ ‘stop, detain, or hinder for a time . . . lessen the progress of . . . to cause to be slower or to occur more slowly than normal.’ ” Hudson, 56 Wn. App. at 498 n.3 (quoting Webster’s Third New International Dictionary 1070, 595 (1969)).

Viewed in the light most favorable to the State, sufficient evidence supports the conclusion that Downing hindered, delayed, and obstructed Officer Hassinger and Officer Lane in the discharge of official duties. The unchallenged findings establish Downing ignored the Officers’ commands and resisted arrest.

We affirm.

WE CONCUR:



hinder, delay, or obstruct any public servant in the discharge of his official powers or duties; shall be guilty of” obstructing a “public servant.”