

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

RUSSELL LAURICE COOMBS,

Appellant.

No. 39863-0-II

UNPUBLISHED OPINION

Hunt, J. — Russell Laurice Coombs appeals his methamphetamine possession jury conviction. He argues that the State presented insufficient evidence to establish constructive possession. We affirm.

FACTS

On October 24, 2008, at about 6 a.m., Vancouver Police officers and Clark County Sheriff's deputies executed a search warrant for a house at 5105 N.E. 137th Avenue in Vancouver. They found a woman in the living room and a man in the kitchen. When one officer continued around the corner of a hallway and directed any persons who might be in the bedrooms to come out with their hands up, Russell Laurice Coombs emerged from the southwest bedroom; no one else was in that bedroom. Another man ran from another bedroom into the bathroom and flushed the toilet.

Searching the southwest bedroom, the officers found a wooden box on the nightstand next

to the bed; inside the box were several small Ziploc plastic baggies containing methamphetamine. Between some stereo equipment and VCRs, the officers found a bag of drug paraphernalia, which contained two straws, a lighter, and a glass pipe. They also found items indicating Coombs' tenancy—a piece of mail addressed to him and a wallet containing his identification card and several credit and debit cards bearing his name.

At trial, Coombs admitted that, at the time of the search, he rented the southwest bedroom and had lived at the residence for about two and one half months. But he denied any knowledge of the methamphetamine found in that bedroom. He further testified that (1) he had had three guests in his bedroom the day before the search; (2) one guest, Lindsey Page, had brought an overnight bag, spent the night, remained in his room while he showered the next morning, and left just minutes before the police arrived; and (3) his room was generally open to the other residents because he had the only land line and internet connection in the house.

The jury convicted Coombs as charged. He appeals.

ANALYSIS

Coombs argues that the evidence is insufficient to support the jury's verdict. This argument fails.

Evidence is sufficient to support a conviction if, viewed in the light most favorable to the State and to the jury's verdict,¹ it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. *State v. Montgomery*, 163 Wn.2d 577, 586, 183 P.3d 267 (2008). A claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that can be drawn therefrom. *State v. Turner*, 103 Wn. App. 515, 520, 13 P.3d 234

¹ *State v. Bucknell*, 144 Wn. App. 524, 528, 183 P.3d 1078 (2008).

(2000). We consider circumstantial evidence to be as reliable as direct evidence. *Turner*, 103 Wn. App. at 520. And we do not review credibility issues because such determinations are solely for the jury. *State v. Thomas*, 150 Wn.2d 821, 874, 83 P.3d 970 (2004).

Because Coombs was not in actual possession of the methamphetamine found in his bedroom, the State had to prove constructive possession. In evaluating the evidence, we look at the totality of the circumstances and determine whether they support a reasonable inference that Coombs had dominion and control over the drugs and, thus, was in constructive possession of them. *State v. Portrey*, 102 Wn. App. 898, 904, 10 P.3d 481 (2000); *State v. Paine*, 69 Wn. App. 873, 878, 850 P.2d 1369 (1993). Dominion and control of the premises where drugs are found permits a reasonable inference of dominion and control over the drugs. *See State v. George*, 146 Wn. App. 906, 920, 193 P.3d 693 (2008).²

Coombs relies on *State v. Callahan*, 77 Wn.2d 27, 459 P.2d 400 (1969), and *State v. Spruell*, 57 Wn. App. 383, 788 P.2d 21 (1990), for the proposition that his mere proximity to the drugs at the time police executed the warrant was not enough to sustain his conviction. But, as we made clear in *Paine*, both the *Callahan* and *Spruell* courts held the evidence in those cases to be insufficient because the State had shown *only* proximity to the drugs and not dominion and control over the premises where they were found. *Paine*, 69 Wn. App. at 879; *Callahan*, 77 Wn.2d at 31; *Spruell*, 57 Wn. App. at 387. Such is not the case here, however.

The State's evidence clearly established Coombs' dominion and control over his southwest bedroom. And the jury apparently rejected his assertions that one of his guests had left

² *See also State v. Cote*, 123 Wn. App. 546, 549, 96 P.3d 410 (2004); *State v. Carter*, 79 Wn. App. 154, 163, 901 P.2d 335 (1995); *Paine*, 69 Wn. App. at 878.

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the drugs there, which credibility determination is not subject to our review. *Thomas*, 150 Wn.2d at 874. Viewed in the light most favorable to the State and to the jury's verdict, the evidence and the reasonable inferences therefrom were sufficient to support the jury's verdict.

Affirmed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

Hunt, J.

We concur:

Armstrong, PJ.

Quinn-Brintnall, J.