

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,
Respondent,

v.

SCOTT ROBERT PYLE,
Appellant.

No. 40281-5-II

UNPUBLISHED OPINION

Van Deren, J. — Scott Pyle appeals from his conviction for first degree robbery. He argues that the State failed to present sufficient evidence that he was guilty of being an accomplice to a robbery committed by Brian Wilson. Concluding that the State presented sufficient evidence, we affirm.¹

The evidence of a crime is sufficient when, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found guilt beyond a reasonable doubt. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992) (citing *State v. Green*, 94 Wn.2d 216, 220-22, 616 P.2d 628 (1980)). All 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

¹ A commissioner of this court initially considered Pyle's appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

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201 (citing *State v. Partin*, 88 Wn.2d 899, 906-07, 567 P.2d 1136 (1977)).

Taken in the light most favorable to it, the State presented the following evidence. On October 17, 2008, Wilson robbed a bank of \$3,470, taking \$20, \$50, and \$100 bills. A surveillance video in the bank showed the robber to be wearing a beanie-type hat and yellow lens glasses. Christopher Thornton, the owner of a nearby business, saw a man in the alley taking off his clothes and tossing them behind a dumpster. When Thornton learned of the bank robbery, he informed the police. From behind the dumpster, Olympia Police Detective Rebecca Fayette retrieved a hat, glasses, gloves, and a jacket. The jacket's pocket contained \$1,200 in \$100 bills.

On October 20, 2008, based on an identification from the surveillance video, Fayette arrested Wilson. She, like the bank teller, reported that Wilson, "for lack of better words, . . . appeared very slow." Report of Proceedings (RP) at 86. The State charged Wilson with first degree robbery, but in return for a plea of guilty and an agreement to testify, the State reduced the charge to second degree robbery. Wilson testified that he met Pyle in the Nisqually Jail on October 13, 2008, and then ran into him on the streets of Olympia on October 16 and 17. He testified that he had robbed the bank because Pyle had told him how to do so. Pyle told him to demand \$20, \$50, and \$100 bills. He wore a beanie-type hat, acquired from a shelter, "yellow glasses" that Pyle had given him as a disguise, and gloves that Pyle had given him so he would not leave fingerprints. RP at 121. Pyle told him not to rob the bank in the morning because there would be no money in the bank then. After he robbed the bank, he met Pyle in the alley behind the bank and gave him \$2,600. He took off the beanie-type hat, glasses, gloves, and jacket and ditched them in the alley. In so doing, he apparently forgot that he had put the remaining cash in the jacket's pocket.

On October 21, 2008, Pyle told an Olympia police officer that people with whom he was staying had stolen \$550 in cash from him. When interviewed by a detective, Pyle said that only \$100 had been stolen and that he had earned the money “under the table as a construction cleanup person” but would not identify his employer. RP at 214. Pyle initially denied knowing Wilson but later said he had spent time with him in the Nisqually Jail and had later seen him on the streets of Olympia.

Officer Jamaal Stevenson, a corrections officer at the Nisqually Jail, testified that because of Wilson’s mental issues and “slowness,” he was easily manipulated by other inmates into giving them his money. RP at 80.

Pyle argues that this evidence is insufficient for a jury to find beyond a reasonable doubt that he was an accomplice to Wilson’s bank robbery because it does not show that he “participated in the venture as something he wished to happen and which he sought by his acts to succeed.” *State v. Luna*, 71 Wn. App. 755, 759, 862 P.2d 620 (1993). He points to testimony from other jail inmates stating that it was Wilson who mentioned committing a robbery and who asked questions about how to commit it. And he points to the fact that Wilson did not mention Pyle’s involvement until after he was charged with first degree robbery. But according to Wilson, Pyle did more than talk about how to commit a robbery. He provided Wilson with glasses, as a disguise, and gloves, to avoid leaving fingerprints. And he claimed to have had a considerable amount of cash stolen from him shortly after the time that Wilson said he gave Pyle part of the cash stolen from the bank. The trial court appropriately instructed the jury that because Wilson was an accomplice, his testimony “should be subjected to careful examination in light of other evidence in the case and should be acted upon with great caution.” Clerk’s Papers at 57. Pyle

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opines, “It wasn’t.” Brief of Appellant at 6. But the jury’s examination of the evidence is a credibility determination beyond the review of this court. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990).

The State presented sufficient evidence from which a rational jury could find beyond a reasonable doubt that Pyle participated in the venture of Wilson’s robbery and so was an accomplice to it. We affirm.

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.

VAn Deren, J.

We concur:

Quinn-Brintnall, J.

Penoyar, C.J.