

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,
Respondent,

v.

J.R.,[†]
Appellant.

No. 40349-8-II

UNPUBLISHED OPINION

Armstrong, PJ. — A juvenile court found J.R., a minor, guilty of second degree unlawful possession of a firearm, in violation of RCW 9A.04.020(a)(iii), and third degree theft, in violation of RCW 9A.56.020(1)(a) and 9A.56.050(1)(a) and (2). J.R. appeals, arguing there is insufficient evidence to support his adjudication for unlawful possession of a firearm.¹ We disagree and affirm.

FACTS

On December 19, 2009, J.R. and three friends entered a Macy's department store. J.R. was wearing a backpack at the time. He removed a shirt from a hanger and shoved it down his

[†] It is appropriate to provide some confidentiality in this case. Accordingly, it is hereby ordered that initials will be used in the case caption and in the body of the opinion to identify the juveniles involved.

¹ J.R. concedes that he committed theft and therefore does not appeal his adjudication for theft in the third degree.

pants. Still wearing the backpack, J.R. exited the store. Macy's Loss Prevention officers, who had observed J.R. shoplifting, caught up to him, apprehended him, and brought him back to the store. While en route to the store, J.R. yelled out a name or some initials toward his friends, who were watching the situation from a distance. One of his friends then yelled to the officers that the backpack was his and that he wanted it back.

After J.R. was brought back to the store, a police officer arrived. The officer searched the backpack and found a loaded .45 caliber semiautomatic pistol. At trial the State argued that J.R. knowingly possessed the firearm, while J.R. argued that he possessed the firearm unknowingly. The trial judge found J.R. guilty of second degree unlawful possession of a firearm.

ANALYSIS

Because J.R. concedes that he committed theft, our review is limited to his adjudication for unlawful possession of a firearm. J.R. argues that there is insufficient evidence to support his adjudication for the firearm charge. Evidence is sufficient to support an adjudication if, viewed in the light most favorable to the State, any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). An insufficiency claim admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom. *Id.* In weighing the sufficiency of evidence, direct evidence and circumstantial evidence are equally reliable. *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980).

To establish J.R.'s guilt, the State had to prove beyond a reasonable doubt that he knowingly possessed or had in his control any firearm. RCW 9.41.040(2)(a)(iii); *State v. Anderson*, 141 Wn.2d 357, 366, 5 P.3d 1247 (2000). J.R. concedes that he possessed a firearm

but claims the State failed to prove he did so knowingly. In support of this argument, J.R. notes that one of his friends shouted that the backpack was his and that he wanted it back.

However, after viewing the evidence in the light most favorable to the State, we find that a rational trier of fact could conclude that J.R. knowingly possessed the firearm. J.R.'s friend did not claim the backpack was his until J.R.—already in custody—called out a name or initials in the direction of his friends. From this a rational trier of fact could infer that both J.R. and his friend knew the gun was in the backpack, and that the friend's attempt to retain the backpack was in response to J.R.'s call for help. In addition, J.R. was wearing the backpack as he entered the store, throughout the time he was in the store, as he exited the store, and up until the time he was apprehended. From this a rational trier of fact could infer that J.R. owned the backpack and knew its contents.

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.

Armstrong, P.J.

We concur:

Hunt, J.

Quinn-Brintnall, J.