

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

STATE OF WASHINGTON,  
Respondent,

v.

CORRINA MEYER,  
Appellant.

No. 40378-1-II

UNPUBLISHED OPINION

Armstrong, J. — A jury found Corrina Meyer guilty of possession of a controlled substance in violation of RCW 69.50.4013(1). Meyer appeals, arguing that the evidence is insufficient to support her conviction. We disagree and affirm.

**FACTS**

On July 22, 2009, detectives from the Clark County Sherriff's Office approached Meyer during the course of a drug investigation in a parking lot. Meyer consented to a vehicle search, during which the detectives found a digital scale containing trace amounts of methamphetamine. The digital scale was inside a makeup bag, which was inside a duffle bag, which was in the back of Meyer's vehicle. Meyer admitted to owning the makeup bag, duffle bag, and vehicle, but she denied owning the digital scale and claimed she did not know how it got into her vehicle.

In Meyer's purse, officers found a matchbook containing handwritten notes referring to street terms and common values for various amounts of drugs. Again, Meyer admitted to owning the purse but denied owning or knowing anything about the matchbook.

At trial, the State argued that Meyer constructively possessed methamphetamine, a controlled substance. Meyer argued the affirmative defense of unwitting possession, claiming she did not know she possessed a controlled substance. The jury found Meyer guilty of possession of a controlled substance.

#### ANALYSIS

Meyer argues insufficient evidence supports her conviction. Evidence is sufficient to support a conviction 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.*

To establish Meyer's guilt, the State had to prove beyond a reasonable doubt that she possessed a controlled substance. RCW 69.50.4013(1). Possession may be actual or constructive. *State v. Callahan*, 77 Wn.2d 27, 29, 459 P.2d 400 (1969). Actual possession occurs when the substance is in the person's physical custody. *Id.* Constructive possession occurs when the person does not have physical custody of the substance but has dominion and control over it. *Id.* The evidence supports a finding that Meyer did in fact possess the substance in question. The substance was inside a makeup bag that Meyer owned; the makeup bag was inside a duffle bag that Meyer owned; and the duffle bag was inside a vehicle that Meyer owned and over which she had immediate control. Although Meyer did not have physical custody of the substance, she had control and dominion over it. Furthermore, it is undisputed that the substance found in Meyer's vehicle was methamphetamine, a controlled substance. RCW 69.50.206(d)(2). Thus, the State proved that Meyer possessed a controlled substance.

Meyer argues, however, that she possessed the methamphetamine unwittingly. To establish this defense, Meyer had to prove by a preponderance of the evidence that she did not know she possessed a controlled substance. *State v. Staley*, 123 Wn.2d 794, 799, 872 P.2d 502 (1994); *State v. Riker*, 123 Wn.2d 351, 368-69, 869 P.2d 43 (1994). In support of her defense, Meyer testified that several other people had recently driven her vehicle, including a family member who did so without permission, that she readily consented to having her vehicle searched because she had nothing to hide, and that she did not recognize the handwriting on the matchbook. Furthermore, Meyer provided evidence that she consistently denied knowledge of the digital scale and matchbook throughout the investigation and arrest.

Meyer's defense rested on her testimony that she had no knowledge of the origins or ownership of the digital scale, methamphetamine, or drug notes. But we defer to the trier of fact—in this case, the jury—on issues of witness credibility and the persuasiveness of evidence. *State v. Thomas*, 150 Wn.2d 821, 874-75, 83 P.3d 970 (2004). In this case the jury observed Meyer's testimony, assessed her demeanor, measured her credibility, and found her defense of unwitting possession unconvincing in light of the evidence against her. We will not disturb this determination on appeal.

Viewed in the light most favorable to the State, the evidence supports the jury's conclusion that Meyer constructively possessed a controlled substance in violation of RCW 69.50.4013(1).

We affirm.

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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.

We concur:

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Armstrong, J.

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Quinn-Brintnall, J.

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Worswick, A.C.J.