

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

KYLE CAMERON KNAPP,

Appellant.

No. 40441-9-II

UNPUBLISHED OPINION

Hunt, P.J. — Kyle Cameron Knapp appeals his jury conviction for possession of a stolen vehicle. He argues that the State failed to present sufficient evidence. We affirm.

FACTS

On November 24, 2009, Deputy Alan Clark stopped Kyle Cameron Knapp for speeding. Knapp was not able to provide insurance, registration, or a driver’s license. He did provide his Washington identification card and stated that his driver’s license was suspended and that the 2008 white Chevy Silverado he was driving was his “work truck.” Report of Proceedings at 45. The front and rear license plates of the truck did not match.

The dispatcher informed Clark that the rear license plate was stolen from a 2005 Chevy K10 truck and that the front license plate number was for a 2008 white Chevy Silverado truck reported stolen by Tony Humble. The vehicle identification number (VIN) of the truck matched Humble’s stolen truck.

Clark arrested Knapp and advised him of his constitutional rights. After waiving those rights, Knapp told Clark that he did not know the truck was stolen. He said that he had borrowed the truck from his friend, Bob Watson, who was at the Red Wind Casino; Knapp provided a physical description of Watson. Clark contacted the Nisqually Police Department, but its officers were unable to find anyone matching Watson's description at the casino. Humble did not know Knapp or Watson and had not given anyone other than Charles Duff permission to drive his truck.

Knapp also told Clark that he was going to cut wood in McKenna. But there were no woodcutting tools in the truck or any evidence that wood had been hauled in the truck. Finally, the key to the truck was on a key ring with other keys belonging to Knapp, including his house key.

The State charged Knapp with possession of a stolen vehicle. A jury convicted him as charged. He appeals.¹

ANALYSIS

Knapp argues that the evidence was insufficient to support his conviction for possession of a stolen vehicle. We disagree.

Evidence is sufficient to support a conviction 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

¹ A commissioner of this court initially considered Knapp'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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Wn.2d at 201 (citing *State v. Partin*, 88 Wn.2d 899, 906-07, 567 P.2d 1136 (1977)). “In determining the sufficiency of the evidence, circumstantial evidence is not to be considered any less reliable than direct evidence.” *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980).

Mere possession of stolen property does not create a presumption that the possession is larcenous; nonetheless, possession is “a relevant circumstance to be considered with other evidence tending to prove the elements of the crime.” *State v. Hatch*, 4 Wn. App. 691, 694, 483 P.2d 864 (1971). When a person is in possession of stolen property, “slight corroborative evidence of other inculpatory circumstances tending to show his guilt will support a conviction.” *Hatch*, 4 Wn. App. at 694. Moreover, possession of recently stolen property and a dubious account concerning its acquisition are sufficient facts to meet the “beyond a reasonable doubt test” of criminal evidence. *Hatch*, 4 Wn. App. at 694.

Taking the evidence in the light most favorable to the State, Knapp was in possession of a stolen vehicle and provided a changing, suspicious story about his acquisition of the vehicle. Knapp first said the truck was his work truck but later said he had borrowed it from a friend. Officers were unable to find this “friend” at the location Knapp indicated. Knapp also claimed that he was going to cut wood; yet no woodcutting tools were found in the truck. We hold that this evidence was sufficient for a rational trier of fact to find Knapp guilty beyond a reasonable

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doubt of possession of a stolen vehicle.

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.

Hunt, P.J.

We concur:

Van Deren, J.

Johanson, J.