IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. A.L.D.,[1] Appellant.	No. 40879-1-II UNPUBLISHED OPINION

Armstrong, J. — A juvenile court adjudicated A.L.D. guilty of second degree assault, in violation of RCW 9A.36.021(1)(c). A.L.D. appeals, arguing that the evidence is insufficient to support her adjudication. We disagree and affirm.

FACTS

On April 12, 2010, A.L.D. asked her grandmother, Regina Cundick, for money and Cundick said no. A.L.D. became angry, began breaking things in the apartment, and spit on her grandmother. Cundick went to her bedroom to change her clothing.

As Cundick opened the door to leave her bedroom, she saw A.L.D. throw a knife from approximately four to five feet away. Cundick later identified the knife as a steak knife with a blade approximately four inches long. Cundick closed the door before the knife hit her. If she had not closed the door, the knife would have hit her in the upper thigh or hip area. A.L.D. threw the knife with sufficient force to gouge the door. After throwing the knife, A.L.D. repeatedly yelled at her grandmother that she wished the knife had hit her.

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[1] Under RAP 3.4, this court changes the title of the case to the juvenile's initials. The opinion uses initials to protect the juvenile's rights to confidentiality.

The State charged A.L.D. with second degree assault. Following witness testimony, the juvenile court found the facts set forth above and concluded that the knife, under the circumstances in which it was used, constituted a deadly weapon under RCW 9A.04.110(6), and that A.L.D. was therefore guilty of second degree assault under RCW 9A.36.021(1)(c).

ANALYSIS

A.L.D. appeals, arguing the evidence is insufficient to support her conviction. Specifically, she argues that the evidence is insufficient to show that the knife constituted a deadly weapon because, under the circumstances in which she used the knife, it posed a minimal danger to Cundick. She relies on Cundick's testimony that the knife would not have hit her because she had plenty of time to close the door. A.L.D. does not assign error to any of the juvenile court's findings of fact.[2]

When reviewing a challenge to the sufficiency of the evidence, we view the evidence in the light most favorable to the State to determine whether a rational trier of fact could have found the elements of the offense beyond a reasonable doubt. *State v. Alvarez*, 105 Wn. App. 215, 220, 19 P.3d 485 (2001). We accept unchallenged findings of fact as verities on appeal. *Alvarez*, 105 Wn. App. at 220. Our review is then limited to determining whether the findings support the juvenile court's conclusions of law. *Alvarez*, 105 Wn. App. at 220.

A person commits second degree assault by assaulting another with a deadly weapon.

[2] In her brief, A.L.D. states that the juvenile court had not entered written findings of fact or conclusions of law at the time when she designated the record in this case. The juvenile court entered written findings and conclusions on July 13, 2010. A.L.D. filed a designation of clerk's papers for this appeal on June 14, 2010. The State supplemented the record with the findings and conclusions on March 15, 2011.

RCW 9A.36.021(1)(c). A deadly weapon includes any "weapon, device, instrument, article, or substance . . . which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm." RCW 9A.04.110(6).

Here, the juvenile court found that A.L.D. threw a steak knife with a blade approximately 4 inches long from 4 to 5 feet away and with sufficient force to gouge the door. The court also found that the knife would have struck Cundick in the thigh or hip area if she had not closed the door. These unchallenged findings support the juvenile court's conclusion that the knife, under the circumstances in which A.L.D. used it, was readily capable of causing death or substantial bodily harm and, therefore, constitutes a deadly weapon under RCW 9A.04.110(6). Accordingly, we affirm A.L.D.'s adjudication for second degree assault.

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, J.

We concur:

Quinn-Brintnall, J.

Worswick, A.C.J.