

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

GEORGEANNA JOYCE HENSCHEL,

Appellant.

No. 42609-9-II

UNPUBLISHED OPINION

Quinn-Brintnall, J. — A jury found Georgeanna Henschel guilty of first degree trafficking in stolen property and third degree theft.¹ She appeals, arguing that the jury’s verdicts are not supported by sufficient evidence.² We affirm.

Evidence is sufficient if, when viewed in a light most favorable to the prosecution, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). “A claim of insufficiency admits the truth of the State’s evidence and all inferences that reasonably can be drawn therefrom.” *Salinas*, 119 Wn.2d at 201. Circumstantial and direct evidence are equally reliable.

¹ She was acquitted of residential burglary.

² A commissioner of this court initially considered Henschel’s appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

State v. Delmarter, 94 Wn.2d 634, 638, 618 P.2d 99 (1980). Because it is the jury's responsibility to resolve credibility issues and determine the weight of the evidence, we defer to it on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990); *State v. Walton*, 64 Wn. App. 410, 415-16, 824 P.2d 533, *review denied*, 119 Wn.2d 1011 (1992).

For the jury to find Henschel guilty of first degree trafficking in stolen property, the State must prove beyond a reasonable doubt that she knowingly trafficked in property that has been obtained by theft, robbery or extortion. RCW 9A.82.010(16), .050(1). The jury may, but need not, infer knowledge if there is "slight corroborative evidence" in addition to possession of stolen property. *State v. Womble*, 93 Wn. App. 599, 604, 969 P.2d 1097, *review denied*, 138 Wn.2d 1009 (1999); *State v. Couet*, 71 Wn.2d 773, 775, 430 P.2d 974 (1967) (quoting *State v. Portee*, 25 Wn.2d 246, 253, 170 P.2d 326 (1946)). For the jury to find her guilty of third degree theft, the State must prove beyond a reasonable doubt that she wrongfully obtained or exerted unauthorized control over the property of another valued at less than \$750. RCW 9A.56.020(1)(a), .050(1).

Taking the evidence in the light most favorable to the State, at the end of December, 2010, Shalin Judd and her family were moving out of their Lacey apartment. Henschel lived in the apartment directly above. Judd owned a Nikon digital camera, with accessories, that she had purchased for \$1,300. Judd last saw the camera in the apartment on December 30. The apartment door did not always latch properly. When she returned on December 31, the camera was missing. She asked some of the neighbors, including Henschel, whether they had seen the camera. Henschel denied having seen it. The next day, on January 1, 2011, Henschel pawned

Judd's camera at a Seattle pawn shop for \$200. Seattle police notified Lacey police in March 2011. Lacey Police Officer Alex Ficek contacted Henschel. After being advised of her constitutional rights and waiving them, Henschel told Ficek that (1) Judd had been evicted, (2) the apartment management had thrown Judd's property in a dumpster, (3) she found the camera in the dumpster, and (4) she pawned the camera in Seattle because she had to pick her daughter up at the airport. An assistant apartment manager testified that Judd had not been evicted. While Henschel denied knowing that the camera was stolen when she pawned it, a rational trier of fact could find beyond a reasonable doubt that she knew the camera was Judd's once Judd asked her about it on December 31. Accordingly, the evidence is legally sufficient to support the jury's verdicts finding Henschel guilty beyond a reasonable doubt of both first degree trafficking in stolen property and third degree theft.

We affirm Henschel's convictions.

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 in accordance with RCW 2.06.040, it is so ordered.

QUINN-BRINTNALL, J.

We concur:

ARMSTRONG, P.J.

HUNT, J.