IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. RODNEY DEAN CHAPPELL, Appellant.	No. 42706-1-II UNPUBLISHED OPINION

Quinn-Brintnall, J. — A jury found Rodney Dean Chappell guilty of violating a no-contact order as charged. RCW 26.50.110. The trial court imposed a standard range sentence of 60 months. Chappell appeals his conviction, arguing insufficient evidence supports the jury's finding that he was the subject of the no-contact order. Because the responding officer identified Chappell at trial as the same person he arrested for violating a no-contact order, we disagree and affirm.

FACTS

On the evening of July 26, 2011, Chappell visited Elizabeth Jean Jones at the Brentwood Apartments. Johnnie Moneer, the property manager for the Brentwood Apartments, witnessed Chappell "15 to 20 feet away" walking towards Jones's apartment. Report of Proceedings (RP) (Oct. 3, 2011) at 43. Moneer recognized Chappell as a previous resident, having run credit and criminal background checks on him. Concerned that a no-contact order may be in effect, Moneer

called 911 to report Chappell's presence.

Dispatch directed City of Olympia Police Officer Sean Lindros to the Brentwood Apartments, confirming en route that "Rodney Chappell" was subject to a valid no-contact order for that location. Upon arriving, Lindros spoke with Moneer who relayed where he had last seen Chappell. Lindros then approached Jones's apartment, distinctly hearing one male and one female voice inside. After six attempts at knocking and announcing "Olympia Police Department," Jones answered the door. RP (Oct. 3, 2011) at 47. Two verbal commands later, Chappell voluntarily exited a back room of Jones's apartment. Lindros detained Chappell, identified him "as Rodney Chappell, the male that was on the valid no-contact order for that residence," and confirmed Chappell's date of birth. RP (Oct. 3, 2011) at 49-50. Lindros then identified Jones as the protected person listed and arrested Chappell.

At trial, Officer Lindros identified the defendant, Chappell, as the same person he arrested at Jones's apartment. The no-contact order admitted into evidence at trial lists Chappell's name, his April 26, 1966 date of birth, and the Brentwood Apartments. Provided a copy, Lindros verified it as the same no-contact order he enforced against Chappell on July 26, 2011. The jury found Chappell guilty of the crime of violation of a no-contact order as charged. RCW 26.50.110. Chappell appeals this conviction, asserting that insufficient evidence supports the jury's finding that he was the subject of the no-contact order admitted at trial.

DISCUSSION

Standard of Review

"Evidence is sufficient to support a conviction if, viewed in the light most favorable to the jury's verdict, it permits any rational trier of fact to find the essential elements of the crime beyond

a reasonable doubt." *State v. Notaro*, 161 Wn. App. 654, 670-71, 255 P.3d 774 (2011). The trier of fact is the sole and exclusive judge of the evidence. *State v. Bencivenga*, 137 Wn.2d 703, 709, 974 P.2d 832 (1999). The role as the reviewing court is not to reweigh the evidence and substitute our judgment for that of the jury. *See State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 628 (1980). Instead, we defer to the trier of fact's resolution of conflicting testimony, evaluation of witness credibility, and decisions regarding the persuasiveness of evidence. *State v. Walton*, 64 Wn. App. 410, 415-16, 824 P.2d 533, *review denied*, 119 Wn.2d 1011 (1992).

Elements of the Crime

The State charged Chappell with the crime of violating a no-contact order forbidding Chappell from knowingly entering, remaining, or coming within 500 feet of Jones's residence, school, or workplace. To convict Chappell of this crime, the State was required to prove each of the following beyond a reasonable doubt:

> (1) That on or about the 26th day of July, 2011, there existed a no-contact order applicable to the defendant;
> (2) That the defendant knew of the existence of this order;
> (3) That on or about said date, the defendant knowingly violated a provision of this order;
> (4) That the defendant has twice been previously convicted for violating the provisions of a no-contact order; and
> (5) That the defendant's act occurred in the State of Washington.

Clerk's Papers (CP) at 26; *see also* 11 Washington Practice: Washington Pattern Jury Instructions: Criminal 36.51.02, at 640 (3d ed. 2008). Chappell challenges the sufficiency of evidence for element one—that "there existed a no-contact order applicable to the defendant." CP at 26. Chappell does not deny that a valid no-contact order existed. Rather, he claims the jury possessed insufficient evidence to find it applicable to him. Thus, we ask whether, based on

the evidence presented, any rational trier of fact could find that Chappell was the subject of the no-contact order admitted at trial.

Evidence of Record

Two witnesses testified at Chappell's trial, Moneer and Officer Lindros. Because Chappell previously resided at the Brentwood Apartments, Moneer was able to easily identify him on July 26, 2011. After detaining him, Lindros confirmed that Chappell's name and date of birth matched the no-contact order. At trial, Lindros identified the defendant as the man he encountered in Jones's apartment on July 26, 2011. When asked "to whom does the domestic violence no-contact order apply," Lindros identified Chappell. RP (Oct. 3, 2011) at 50-51.

The appellant cites *State v. Huber*, 129 Wn. App. 499, 119 P.3d 388 (2005), to support his claim that the evidence was insufficient to show he was the person to whom the no-contact order applied. In *Huber*, the State presented only documentary evidence that the defendant in the court room was the same person accused of jumping bail. 129 Wn. App. at 501. This court reversed the trial court, holding that "the State must do more than authenticate and admit the document; it also must show beyond a reasonable doubt 'that the person named therein is the same person on trial.'" *Huber*, 129 Wn. App. at 502 (quoting *State v. Kelly*, 52 Wn.2d 676, 678, 328 P.2d 362 (1958)). Chappell argues that the State failed to tie him to the admitted document through "booking fingerprints, eyewitness identification or distinctive personal information." Br. of Appellant at 5. We disagree. Beyond Chappell's concession that he knew a no-contact order was in effect, the State tied Chappell to the admitted order through both eyewitness identification and distinctive personal information.

Here, the State did far more than authenticate and admit the no-contact order. Moneer identified Chappell at the scene. Dispatch confirmed that the no-contact order applied to "Rodney Chappell" with a date of birth of April 26, 1966. Officer Lindros confirmed these details

and the no-contact order's applicability to the Rodney Chappell he found at the Brentwood Apartments. Lindros identified Chappell at trial as the same man he arrested on July 26, 2011. Lindros reviewed the no-contact order admitted at trial, and confirmed it to be the same no-contact order he enforced. Based on this evidence, any reasonable trier of fact could find (1) that the no-contact order enforced on July 26, 2011, is the same as the order admitted at trial and (2) that it was "applicable to the defendant" Chappell. CP at 26. Viewed in a light most favorable to the jury's verdict, the evidence is sufficient to support Chappell's conviction for violating a no-contact order.

Accordingly, 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 in accordance with RCW 2.06.040, it is so ordered.

QUINN-BRINTNALL, J.

We concur:

PENOYAR, J.

JOHANSON, A.C.J.