

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

SHAN LEE RASHA,

Appellant.

No. 42800-8-II

UNPUBLISHED OPINION

Johanson, A.C.J. — A jury convicted Shan Lee Rasha of first degree assault while armed with a firearm.¹ He appeals, arguing that the State did not present sufficient evidence that he intended to cause great bodily harm when he fired the firearm. We affirm.²

The 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.

For the jury to find Rasha guilty of first degree assault, the State had to prove beyond a reasonable doubt that he (1) with intent to inflict great bodily harm (2) assaulted another with a

¹ The jury also convicted him of attempted first degree robbery while armed with a firearm and of second degree unlawful possession of a firearm, from which he does not appeal.

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

firearm. RCW 9A.36.011(1)(a). Taken in the light most favorable to the State, the evidence established the following: In late June 2011, Thomas Adair sold his trailer and put the cash proceeds in a lockbox in the trailer until he moved out. Unfortunately for Adair, he attended a wake while high on methamphetamines and “told a lot of people” about the cash. 1 Verbatim Report of Proceedings (VRP) at 26.

On the morning of June 27, he saw a green car going back and forth on the road leading to the trailer. A man, who he later identified as Rasha, stepped out of the car armed with a shotgun, said “you know what this is about” and asked for the lockbox. 1 VRP at 26. Adair ran inside the trailer, slammed the door behind him and yelled for help. He held the door closed as Rasha tried four or five times to barge in. Rasha then shot through the door. The shotgun blast penetrated the door between the doorknob and the deadbolt lock. According to a police forensic investigator, the blast “could [have been] slightly downward.” 1 VRP at 92. The blast struck Adair in the left hand, resulting in a surgical amputation of his index finger and residual loss of strength in his hand. Batina Thieman, Adair’s girlfriend, was also in the trailer. A shotgun pellet struck her in the middle of her right thigh. A third occupant of the trailer, Ronald Kookan, was struck in the lower left leg by a shotgun pellet.

Rasha argues that because Adair was behind the trailer door, there was “no evidence he knew his shot would strike a person.” Br. of Appellant at 7. He also argues that the shotgun was pointed down, indicating that he fired it “in an effort to scare Adair into opening the door and relinquishing the lockbox, not in an effort to injure Adair.” Br. of Appellant at 8. But based on the evidence described above, and the inferences taken reasonably from it, a rational trier of fact

could find beyond a reasonable doubt that Rasha intended to cause great bodily harm when, after trying to barge into the trailer four to five times with Adair or someone else holding the door closed, he fired the shotgun at an angle that penetrated the door between the doorknob and the deadbolt, struck Adair in the left hand and struck Thieman in the middle of her right thigh. The State presented sufficient evidence that Rasha intended to cause great bodily harm when he assaulted Adair with the shotgun blast.

We affirm.³

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.

Johanson, A.C.J.

We concur:

Hunt, J.

Quinn-Brintnall, J.

³ Rasha filed a Statement of Additional Grounds under RAP 10.10 asserting that the State did not test the shotgun for fingerprints or test him for gunshot residue. But Adair and Kooken saw Rasha carrying the shotgun. No such testing was necessary.