IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. JUSTIN EDWARD LEWIS, Appellant.	No. 39019-1-II UNPUBLISHED OPINION

Quinn-Brintnall, J. — Justin Edward Lewis appeals his Kitsap County conviction of second degree theft. He challenges the sufficiency of the evidence, contending that the State did not prove that the value of the stolen item was greater than $250. We affirm.[1]

FACTS

On December 16, 2008, employees at Aaron's Sales and Lease in Bremerton saw Lewis take a laptop from the front counter and put it into his van. When they confronted him, he stated he did not know what they were talking about, and drove away.

[1] A commissioner of this court initially considered Lewis's appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

At trial, a store employee, Shaun Achten, testified that the company had purchased the laptop on June 26, 2008, for $600, a wholesale price.[2] The store leased the computer for $99.99 a month. It had been leased for several months previously but returned to the store, and Achten had been processing another lease application when it was stolen.

ANALYSIS

Lewis argues that this testimony was insufficient to establish the computer's value because it required the jury to speculate about how much the item had depreciated. Evidence is sufficient to support a conviction if, viewed in the 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 reasonable inferences that can be drawn from it. *Salinas*, 119 Wn.2d at 201. The existence of a fact cannot rest upon guess, speculation, or conjecture. *State v. Hutton*, 7 Wn. App. 726, 728, 502 P.2d 1037 (1972). But circumstantial and direct evidence are equally reliable. *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980).

At the time of Lewis's conviction, a person was guilty of second degree theft if he or she committed theft of property or services of a value more than $250 but less than $1,500. Former RCW 9A.56.040 (2007), amended by Laws of 2009, ch. 431, § 8.[3] Value is the market value of the property at the time and in the approximate area of the criminal act. RCW 9A.56.010(18)(a).

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[2] The employee also testified that the laptop had a "book item cost" of $400. 1 Report of Proceedings (RP) at 60. When asked to explain, he indicated that was the amount the store "had remaining on the item." 1 RP at 60. Lewis interprets this to mean that the company owed that much on the laptop, but the testimony could also be interpreted to mean that was the amount of the cost not yet recouped or that it was the depreciated value.

[3] The amendment increased the value to more than $750, but less than $5,000.

Market value is the "'price which a well-informed buyer would pay to a well-informed seller, where neither is obligated to enter into the transaction.'" *State v. Kleist*, 126 Wn.2d 432, 435, 895 P.2d 398 (1995) (quoting *State v. Clark*, 13 Wn. App. 782, 787, 537 P.2d 820 (1975)).

It is true that the only evidence relating to the value of the laptop at the time of its theft was circumstantial. However, that evidence was sufficient to permit a reasonable inference that the laptop was still worth at least $250. In determining the value of an item, evidence of price paid is entitled to great weight. *State v. Melrose*, 2 Wn. App. 824, 831, 470 P.2d 552 (1970). The store's purchase price was $600 within six months of the theft and the store could have leased the item for $99.99 a month. In fact, there was such a lease pending. The jury could reasonably infer that the pending lease would provide more than $250 in income to the store and that the value of the laptop therefore exceeded that amount.

Affirmed.

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.

QUINN-BRINTNALL, J.

We concur:

HUNT, J.

PENOYAR, A.C.J.