

FILED

DEC 30 2015

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By JE

No. 33185-7-III

IN THE COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

THE STATE OF WASHINGTON

Respondent

v.

JESSE WILLIAMS

Appellant

BRIEF OF RESPONDENT

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I.

ASSIGNMENTS OF ERROR

1. Appellant alleges The State's evidence was insufficient to support his conviction for Possessing a Stolen Motor Vehicle.

II.

ISSUES PRESENTED

1. Whether substantial evidence supported the jury conviction for Possessing a Stolen Motor Vehicle.

III.

STATEMENT OF THE CASE

The State accepts the Appellant's Statement of the Case.

IV.

ARGUMENT

A. WHETHER SUBSTANTIAL EVIDENCE SUPPORTED THE JURY CONVICTIONS FOR POSSESSION OF A STOLEN MOTOR VEHICLE.

Mr. Williams argues that there was insufficient evidence to support the jury conviction for Possession of a Stolen Motor Vehicle. When reviewing a challenge to the sufficiency of the evidence, appellate courts must determine,

considering the evidence in the light most favorable to the prosecution, whether “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *State v. Green*, 94 Wash.2d 216, 221, 616 P.2d 628 (1980).

The Court of Appeals draws all reasonable inferences from the evidence in the prosecution's favor, and interprets the evidence most strongly against the defendant. *State v. Joy*, 121 Wash.2d 333, 339, 851 P.2d 654 (1993); *State v. Salinas*, 119 Wash.2d 192, 201, 829 P.2d 1068 (1992).

The Court assumes the truth of the prosecution's evidence and all inferences that the trier of fact could reasonably draw from it. *State v. Wilson*, 71 Wash. App. 880, 891, 863 P.2d 116 (1993), *rev'd on other grounds*, 125 Wash.2d 212, 883 P.2d 320 (1994).

The trier of fact is deferred to when resolving any conflicts in testimony, to weigh the persuasiveness of evidence, and to assess the credibility of the witnesses. *State v. Boot*, 89 Wash. App. 780, 791, 950 P.2d 964, *review denied*, 135 Wash.2d 1015, 960 P.2d 939 (1998). Appellant seems to argue most that this court should place itself in the position of the trier of fact, pointing out that several of the witnesses have given conflicting testimony. It is not the job of this court to re-evaluate the testimony, but rather the job of the trier of fact, the twelve people sworn by the Court to try this case on the evidence presented. While appellant argues that Staci Vollendorf does not establish possession, or that he was working on the subject stolen vehicle, he acknowledges in his brief

at page 4 that there were two jeeps in the shop, and she knew he was working on a car out there. Appellant argues insufficient evidence to prove Mr. Williams was in possession, while acknowledging documents bearing his name in the vehicle, cell phones with text messages addressed to him. In the event of any doubt, respondent urges this court to review the physical evidence, which includes a receipt (amongst those papers) with Mr. Williams name on it, for parts to change out the ignition switch [in the red cooler referenced by appellant on page 5-6 of his brief, citing Vol 2 RP 143-44, 100-106]. The oral record is greatly supplemented by the physical evidence, a benefit the trier of fact had, to ignore the physical evidence would be leaving out a huge weight of consideration by a trier of fact.

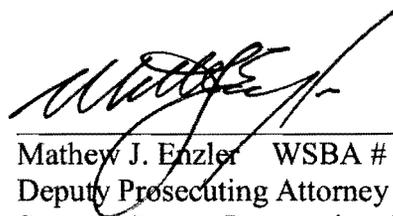
Appellant argues also that there is no evidence to support the idea that Mr. Williams would have known the vehicle was stolen, yet there is ample testimony regarding the lengths gone to in order to obscure the identity of the machine by manipulating VIN and other identifiers, these facts are acknowledged by appellant on page 5 of his brief. There is certainly ample evidence to support these conclusions reached by a jury of 12 sworn citizens, sworn to hear this case, to evaluate the credibility of the witnesses, to determine ultimately whether the state had met the burden of proof beyond a reasonable doubt. They did so.

After considering the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crimes charged beyond a reasonable doubt. *State v. Green*, 94 Wash.2d 216, 221, 616 P.2d 628 (1980).

CONCLUSION

Based upon the legal arguments and facts above, the State requests that the jury conviction be affirmed in this case.

Dated this 28th day of December, 2015.



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Affidavit of Certification

I certify under penalty of perjury under the laws of the State of Washington, that I mailed a true and correct copy of the foregoing Respondent's Brief to the following:

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