

FILED
DECEMBER 15, 2020
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

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

STATE OF WASHINGTON,)	No. 36864-5-III
)	
Respondent,)	
)	
v.)	UNPUBLISHED OPINION
)	
WILLIAM GEORGE NICOL,)	
)	
Appellant.)	

PENNELL, C.J. — William Nicol challenges his conviction for bail jumping.

We affirm.

FACTS

In October 2016, Mr. Nicol went to trial on charges of child rape and child molestation. He was out of custody on a \$10,000 appearance bond. The bond required Mr. Nicol to appear in court ““as ordered and not depart therefrom without permission of the Court.”” Clerk’s Papers at 4. Mr. Nicol complied with his bond requirements until the jury notified the court it had reached a verdict at approximately 4:40 p.m. on October 21.

At that point, Mr. Nicol could not be located, despite the court having not yet gone into recess for the day. The jury returned a guilty verdict, a warrant was issued, and Mr. Nicol was charged with bail jumping.

Almost a year later, Mr. Nicol surrendered himself to a California county sheriff's office. Mr. Nicol was subsequently convicted of bail jumping under RCW 9A.76.170(1) and sentenced to nine months in prison. He appeals.

ANALYSIS

Mr. Nicol asserts the State failed to present sufficient evidence to show he knowingly failed to appear in court, as required by the bail jumping statute. Mr. Nicol points out that, throughout his multi-day trial, the court recessed between 4:00 p.m. and 4:30 p.m. Given this circumstance, Mr. Nicol reasons there was no evidence to suggest he should have been aware of an obligation to remain in the courthouse past 4:30 p.m.


Mr. Nicol's argument flies in the face of the uncontested evidence. The appearance bond instructed Mr. Nicol to remain in court until given permission to leave; it did not state he only had to remain in court until 4:30 p.m. Mr. Nicol was never given permission to leave on October 21. The State therefore provided abundant proof that Mr. Nicol knowingly failed to appear, as required by RCW 9A.76.170.

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CONCLUSION

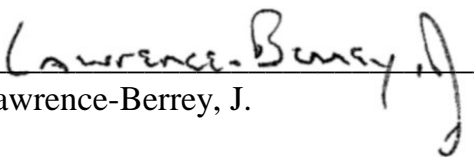
The judgment of conviction is affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.



Pennell, C.J.

WE CONCUR:



Lawrence-Berrey, J.



Korsmo, J.