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IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 75871-3-1
Respondent,)	
)	DIVISION ONE
v.)	
)	
KAMAL ABDULLAHI,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: <u>March 5, 2018</u>

SPEARMAN, J. — Evidence is sufficient if, when viewed in a light most favorable to the State, it permits any rational trier of fact to find the elements of the crime beyond a reasonable doubt. Kamal Abdullahi challenges his conviction for bail jumping, arguing that the State failed to produce sufficient evidence as to each element of the crime. But, viewing the evidence in the light most favorable to the State, a rational juror could have found each element proved beyond a reasonable doubt. We affirm.

FACTS

Abdullahi was charged with domestic violence felony violation of a no-contact order. In May 2015, prior to trial, he was granted work release. A preprinted warning at the bottom of the order states: "I understand that if I violate conditions of release, I can be arrested and punished for contempt of court. If I fail to appear for court hearings, I will be committing an additional crime of bail

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jumping as defined in RCW 9A.76.170.” Exhibit (Ex.) 7. Abdullahi signed the order.

Abdullahi was tried in January 2016 but the jury could not agree on a verdict. The court declared a mistrial and granted Abdullahi’s motion to release him on personal recognizance. The order directs the King County Jail “to release the defendant from jail.” Ex. 16. The order contains no reference to future hearings or warning as to failure to appear.

In April 2016, Abdullahi appeared at a hearing on his motion to continue the new trial. The court granted the motion. The order continuing trial, which is signed by Abdullahi, sets an omnibus hearing for June 10. Abdullahi did not appear at the omnibus hearing on June 10. He was subsequently charged with one count of bail jumping.

At Abdullahi’s second trial, the jury acquitted him of violating a no-contact order but found him guilty of bail jumping.

DISCUSSION

Abdullahi appeals his conviction, arguing that the State presented insufficient evidence to prove each element of bail jumping.

The State has the burden to prove each element of the crime charged beyond a reasonable doubt. In re Winship, 397 U.S. 358, 361, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970). See also RCW 9A.04.100(1). Evidence is sufficient to support a conviction if, viewed in the light most favorable to the State, a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992)

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(citing State v. Green, 94 Wn.2d 216, 220-22, 616 P.2d 628 (1980)). A sufficiency challenge “admits the truth of the State’s evidence and all inferences that reasonably can be drawn therefrom.” Id. (citing State v. Theroff, 25 Wn. App. 590, 593, 608 P.2d 1254, aff’d, 95 Wn.2d 385, 622 P.2d 1240 (1980)).

Under RCW 9A.76.170, a person is guilty of bail jumping when, after being released by court order with a requirement to appear at a subsequent proceeding, he knowingly fails to appear at the later proceeding. State v. Williams, 162 Wn.2d 177, 184, 170 P.3d 30 (2007) (citing State v. Pope, 100 Wn. App. 624, 627, 999 P.2d 51 (2000)). The State may prove that a defendant failed to appear “knowingly” through evidence of the defendant’s subjective knowledge or through circumstantial evidence sufficient for a jury to conclude that the defendant had actual knowledge. State v. Bryant, 89 Wn. App. 857, 870-71, 950 P.2d 1004 (1998).

In this case, Abdullahi contends the State failed to prove that he was required to appear at the omnibus hearing and knew of this requirement. He relies on the January 2016 release order, which does not refer to any future hearings or include a warning as to failure to appear.

The trial court admitted the January 2016 order into evidence. The court also admitted the May 2015 order granting work release, which includes the warning that, if Abdullahi failed to appear for court hearings, he would be committing the crime of bail jumping. In addition, the court admitted the April 2016 order setting the omnibus hearing, the June 2016 order for a bench warrant, and minutes from these hearings.

Janet Llapitan, the Judicial Services Supervisor at the King County Courthouse, testified concerning these court records. Llapitan described the process of recording court proceedings and the information included in minute entries. She described an omnibus hearing and stated that all parties, including the defendant, are required to appear at an omnibus hearing. Llapitan stated that the court may waive the defendant's presence at an omnibus hearing and, if that occurs, the minutes reflect that presence was waived. Llapitan stated that the records in evidence in this case do not show that the court waived Abdullahi's presence at any hearing.

The jury heard evidence that a defendant's presence is required at an omnibus hearing and the court did not waive Abdullahi's presence. The May 2015 order included a warning that failure to appear for future hearings would constitute the crime of bail jumping. The date of the omnibus hearing was set in the April 2016 order. Abdullahi's signature appears on both of these orders. Viewed in the light most favorable to the State, the evidence is sufficient for a rational trier of fact to find that the State proved beyond a reasonable doubt that Abdullahi was required to attend the omnibus hearing and knew of the requirement.

Affirmed.

WE CONCUR:






