

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

VANESSA RENEE RAWLINGS,

Appellant.

No. 40342-1-II

UNPUBLISHED OPINION

Armstrong, P.J.—Vanessa Renee Rawlings appeals her Pierce County convictions of identity theft and forgery. The charges stemmed from Rawlings’s attempt to buy a car with a stolen check. She challenges the sufficiency of the evidence, contending that the State failed to prove she knew the check was stolen.¹ We affirm.²

FACTS

In April 2008, David Gribbon was attempting to sell his son’s car. On April 12, Rawlings came to Gribbon’s house and offered to buy the car with a \$2,500 check drawn on the account of Nhouking Tieng. Gribbon testified that Rawlings told him Tieng was her boyfriend, and he was buying the car for her. When Gribbon hesitated about accepting the check, Rawlings suggested that he call the bank and verify the account. He did so and the bank confirmed that the account was valid. Still concerned, Gribbon let Rawlings take the car but kept the title, telling Rawlings

¹ Rawlings was also convicted of theft of a motor vehicle and bail jumping in connection with this same incident. She does not challenge those convictions.

² A commissioner considered this matter pursuant to RAP 18.14 and referred it to a panel of judges.

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she could pick it up when the check cleared.

Later that night, Gribbon called the bank again, and this time was told that the account had been closed. He called the Tacoma Police Department and gave them Rawlings's address. After officers talked with Rawlings, two of her friends returned the car to Gribbon in the middle of the night. Two days later, the car disappeared. Several weeks later, Gribbon and his son reported to the Thurston County Sheriff's Department that they had spotted the car outside Rawlings's trailer park.

When deputies talked to Rawlings, she said she thought Tieng had straightened things out with Gribbon, and she could take the car back. She produced various documents showing ownership, including a bill of sale and affidavit of lost title, both signed by James Gribbon. Gribbon testified that he did not sign the documents.

Tieng testified that on April 10, 2008, someone had stolen his laptop from his car. Because the laptop case contained some of his checks, he closed the account. He testified that he did not know Rawlings.

Rawlings testified that in early April 2008, she met a person named J-Bo through a chat-line. After they had known each other for a few days, J-Bo offered her a job in his escort service and offered to loan her money to buy a car. He gave her the check, explaining that Nhouking Tieng was his real name. Rawlings said that she retrieved the car from Gribbon because he called and said she could. She said she assumed J-Bo had resolved the matter because he had given her the sales documents. Except for several phone calls, she had no further contact with J-Bo after the car was returned to Gribbon the second time. She had recently learned from her cousin that J-

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Bo's real name was Jerry Tiano, but she had not given the police that information.

On rebuttal, Gribbon testified that he never told Rawlings that she could come and get the car. The jury convicted her as charged.

ANALYSIS

A person is guilty of forgery if with intent to defraud, she: (a) falsely makes, completes, or alters a written instrument; or (b) possesses, utters, offers, disposes of, or puts off as true a written instrument that he or she knows to be forged. RCW 9A.60.020(1). A person commits identity theft if she knowingly obtains, possesses, uses, or transfers a means of identification or financial information of another person with the intent to commit any crime. RCW 9.35.020(1). Rawlings asserts there was no evidence she knew the check was stolen and, thus, the State failed to prove intent to defraud with regard to the forgery and intent to commit a crime with regard to identity theft.

In considering a challenge to the sufficiency of the evidence in a criminal prosecution, we review the evidence in the light most favorable to the State and ask whether any rational trier of fact could find each element of the crime beyond a reasonable doubt. *State v. Montgomery*, 163 Wn.2d 577, 598, 183 P.3d 267 (2008). A fact finder can infer the intent to commit a crime from the surrounding facts and circumstances if the inference is logically probable. *State v. Esquivel*, 71 Wn. App. 868, 871, 863 P.2d 113 (1993). While possession of a stolen or forged document is not enough, alone, to prove guilty knowledge, possession together with slight corroborating evidence of knowledge can be sufficient. *State v. Scoby*, 117 Wn.2d 55, 61-62, 810 P.2d 1358, 815 P.2d 1362 (1991). The giving of a false explanation or one that is improbable or difficult to

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verify is sufficient corroborating evidence. *State v. Ladely*, 82 Wn.2d 172, 175, 509 P.2d 658 (1973).

Rawlings's explanation for her conduct was highly improbable; it differed, in part, from what she told the sheriff's deputies; and it was almost impossible to verify. In addition, Gribbon contradicted much of it. The jury believed him, a decision we, an appellate court, cannot review. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990). We find the evidence sufficient to prove Rawlings's guilty knowledge.

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.

Armstrong, P.J.

We concur:

Quinn-Brintnall, J.

Johanson, J.