

SUPREME COURT OF WASHINGTON

State v. Davis

182 Wash. 2d 222 (2014) · Decided December 24, 2014

SUMMARY

The Washington Supreme Court considered whether sufficient evidence supported Eddie Lee Davis’s and Letrecia Nelson’s firearm-possession convictions arising from their assistance to Maurice Clemmons after he killed four police officers. The court held that the aggravating factor for a destructive and foreseeable impact on persons other than the victim could not legally justify exceptional sentences for rendering criminal assistance because the general public is the victim of that offense. The court reversed the Court of Appeals and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Fairhurst, J.; Ellington, J.; González, J.; Johnson, J.; Madsen, J.; McCloud, J.; Owens, J.; Stephens, J.; Wiggins, J.
JURISDICTION	Washington
DECIDED	December 24, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Davis and Nelson petitioned for review of convictions and exceptional sentences. The Washington Supreme Court granted their petitions and denied the State's cross-petition.
STANDARD OF REVIEW	The court reviews sufficiency of the evidence by asking whether, viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements beyond a reasonable doubt. The meaning and applicability of a statutory sentencing aggravating factor are reviewed as questions of law.
PRECEDENTIAL VALUE	Published Washington Supreme Court opinion with a binding sentencing holding; the firearm-possession sufficiency analysis is a nonmajority plurality position.
PARTIES	Eddie Lee Davis, Letrecia Nelson v. State of Washington

TOPICS

- sentencing
- statutory interpretation
- criminal procedure
- evidence

PRACTICE AREAS

criminal law

criminal procedure

sentencing

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Davis's and Nelson's convictions for possession of a stolen firearm and Davis's conviction for unlawful possession of a firearm.
2. Whether the aggravating factor for an offense involving a destructive and foreseeable impact on persons other than the victim, RCW 9.94A.535(3)(r), legally justified exceptional sentences for rendering criminal assistance.

HOLDINGS

1. The opinion would hold that the State presented sufficient evidence that Davis and Nelson constructively possessed the stolen firearm, but this was not the opinion of the majority and therefore is not treated as the court's binding holding.
2. The aggravating factor for a destructive and foreseeable impact on persons other than the victim cannot apply to the crime of rendering criminal assistance because the general public is the victim class and there are no persons other than the victim within the meaning of the statute. The exceptional sentences were therefore not legally justified.

KEY QUOTATIONS

"The test is whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (227)

"The length of time in itself does not determine whether control is actual or passing; whether one has actual control over the item at issue depends on the totality of the circumstances presented." (228)

"We hold that the victim of rendering criminal assistance is the general public." (230-231)

"Because rendering criminal assistance victimizes the general public, every member of the public is part of the victim class. There is no "other."" (231)

FACTUAL BACKGROUND

After Maurice Clemmons shot and killed four Lakewood police officers, he went to Eddie Lee Davis's home and asked Davis to drive him to Letrecia Nelson's home. Clemmons told Davis and Nelson that he had killed the officers, had been shot, and had stolen one officer's gun. While Clemmons was treated and changed clothes, Nelson placed the stolen gun in a shopping bag, and Davis later identified the bag and handed it to Clemmons. Davis and Nelson were convicted of rendering criminal assistance and possession-related offenses, and exceptional sentences were imposed for the rendering-criminal-assistance convictions.

PROCEDURAL HISTORY

Davis and Nelson were convicted of first-degree rendering criminal assistance and possession of a stolen firearm; Davis was additionally convicted of second-degree unlawful possession of a firearm. The trial court

imposed exceptional sentences for the rendering-criminal-assistance convictions based on the aggravating factor in RCW 9.94A.535(3)(r). The Court of Appeals reversed application of that aggravating factor to the other charges and reversed another aggravating factor as to all charges. The Supreme Court reversed the Court of Appeals and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Court of Appeals and remand for further proceedings consistent with the opinion, including removal of the legally unjustified exceptional sentences based on RCW 9.94A.535(3)(r).

CASES CITED

- In re Personal Restraint of Martinez, 171 Wn.2d 354, 364, 256 P.3d 277 (2011)
- State v. Hosier, 157 Wn.2d 1, 8, 133 P.3d 936 (2006)
- State v. Callahan, 77 Wn.2d 27, 29, 459 P.2d 400 (1969)
- State v. Staley, 123 Wn.2d 794, 801-02, 872 P.2d 502 (1994)
- State v. Stubbs, 170 Wn.2d 117, 123-25, 240 P.3d 143 (2010)
- State v. Jackson, 150 Wn.2d 251, 274, 76 P.3d 217 (2003)
- State v. Johnson, 124 Wn.2d 57, 73-76, 873 P.2d 514 (1994)
- State v. Davis, 179 Wn.2d 1014, 318 P.3d 280 (2014)