

Benjamin Earl Garfield Acquitted By Washington Court of Appeals Of Possessing Stolen Rifle

Benjamin Earl Garfield [was acquitted](#) by the Washington Court of Appeals on January 20, 2015 of possessing a stolen firearm.

In 2010 or 2011 Garfield bought a .30-06 rifle from a Hispanic man at a Quik Stop in Quincy, Washington. The man told Garfield he needed to sell the rifle for gas money to drive to Mexico. Garfield paid the man about \$130 for the rifle.

Garfield later pawned the rifle at the Olde World Trading Company in Moses Lake. After retrieving the rifle, on September 11, 2012 he pawned it for \$75 at the Olde World Trading Company in Ephrata. Quincy, Moses Lake, and Ephrata are all in Grant County where Garfield lived.

As required by Washington State law the pawnshop in Ephrata provided the rifle's serial number and description to the local police department to check if it was stolen. The Ephrata Police Department identified the rifle had been reported stolen in November 2008.

Garfield denied knowing the rifle was stolen when he was questioned by a Ephrata PD detective. He told the detective the circumstances of how he had bought the rifle, and that he had previously pawned it in Moses Lake.

Garfield was charged in October 2012 with possessing a stolen firearm.

During his trial the prosecution had not direct evidence Garfield knew the rifle was stolen, so their case was based on arguing he was guilty because of his inability to identify exactly when he bought the rifle and some inconsistencies in his statement. Garfield's court appointed [lawyer explained](#) during his closing statement, "that the events occurred years before and his misremembering of details is not evidence that he knew the gun was stolen."

The jury convicted Garfield on February 14, 2013. The judge allowed Garfield to be released on bail pending the outcome of his appeal.

An essential element the prosecution had to prove beyond a reasonable doubt was that



Entrance to the Olde World Trading Company in Ephrata, Washington (Google Streetview)

Garfield knew the rifle was stolen. Garfield [argued in his appeal](#) his conviction should be reversed because "... a jury could not reasonably infer that he had actual or constructive knowledge that the rifle was stolen for numerous reasons: (1) the Lecocqs reported the theft several years before he pawned the rifle; (2) the State presented no evidence that Garfield was familiar with the location of the theft; (3) the price at which he purchased the rifle was not unreasonably low; and (4) the State introduced no direct evidence of "guilty knowledge" on his part."

On January 20, 2015 the Washington Court of Appeals reversed Garfield's conviction in [State of Washington v. Benjamin E. Garfield](#), No. 31502-9-III (Wash. Ct. of Appeals, 1-20-2015). The Court's ruling stated in part:

Mere possession of stolen property is not enough to justify a conviction. ... If a defendant possesses recently stolen property, usually from a few hours to a few months, slight corroborative evidence of other inculpatory circumstances tending to show guilt will allow a trier of fact to infer that the defendant had constructive knowledge of the theft.

... Three years and 10 months elapsed between the theft and Garfield pawning the rifle.

... He [Garfield] gave his correct name and other personal information to a pawnshop and never hid the gun. He did not mar the serial number on the firearm. The State presented no history of Garfield handling stolen property.

... The State did not present evidence of the proximity between the Quik Stop station and the Lecocq home, other than both are in the same county. The State presented no testimony of Benjamin Garfield having familiarity with the location of the Lecocq home, or that Garfield purchased the [] rifle at a price below its value.

... To our knowledge, Benjamin Garfield broke no laws when he purchased the rifle from a private individual. ... Washington State did not require, at either the time Garfield purchased the rifle or at the time of his arrest, that the firearm purchase be registered with a state or federal authority.

... In essence, the State posits that anyone who purchases a firearm other than at a flea market, at a garage sale, from a friend, or from a "reputable business," can be convicted of possession of a stolen firearm, if the firearm was stolen prior to his coming into possession of it. Case law does not support this proposition. ... If the reviewing court finds insufficient evidence to prove the elements of the crime charged, reversal is required. We dismiss the charge of possession of stolen property filed against Benjamin Garfield.

Double jeopardy bars Garfield being retried, because the appeals court found the prosecution introduced insufficient evidence of his guilt.

[Click here to read](#) the appeals court's ruling in *State of Washington v. Benjamin E. Garfield*, No. 31502-9-III (Wash. Ct. of Appeals, 1-20-2015).

Source: [State of Washington v. Benjamin E. Garfield](#), No. 31502-9-III (Wash. Ct. of Appeals, 1-20-2015) (Reversing conviction due to insufficient evidence and ordering dismissal of the charges.)

[Stolen-gun conviction overturned](#), *The Wenatchee World* (Wenatchee, Wash.), January 21, 2015

[State of Washington v. Benjamin E. Garfield](#), No. 12-1-00538-1 (Grant County, Washington Superior Court)



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