

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

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COURT OF APPEALS  
DIVISION II

2015 APR 27 AM 9:11

STATE OF WASHINGTON

BY  DEPUTY

STATE OF WASHINGTON,  
Respondent,

v.

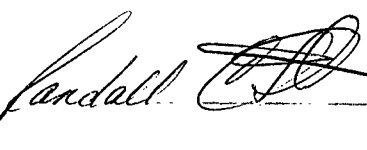
RANDALL C. SMITH,  
Appellant.

No. 46365-2-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Randall C. Smith, have received and reviewed the opening brief prepared by my Attorney. Attached are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits. Further, I ask the Court to accept and consider any issues not preserved, by Trial Counsel, under RAP 2.5(a)(3).

Date: April 22, 2015

Signature: 

## Additional Ground 1

The State alleges "Plain View" observations by Officer Tiffany which led to Applications for Search Warrants, Seizures of Rooms and the resulting searches. (Finding of Fact IX, Conclusions of Law III- Appendix A.). This assertion is erroneous as the "Plain View" doctrine does not apply to Mr. Smith's case; In Order for "Plain View" to apply the following requirements must be met: (1) Officers must immediately recognize evidence they see to be associated with Criminal Activity, and (2) have valid justification to be in an otherwise protected area. (Citing State v. Ruem, 179 Wash. 2d 195, 313 P.3d 1156 (2013); quoting State v. Hatchie, 141 Wash. 2d 390, 395, 166 P.3d 698 (2007); A "plain view search" occurs when law Enforcement officers "(1) have a valid justification to be in an otherwise protected area and (2) are immediately able to realize the evidence they see is associated with criminal activity."). The State correctly asserts that Law Enforcement responded to a call about "items that were possibly related to Financial Crimes": (Finding of Fact VII- Appendix A.). During testimony, Officer Tiffany stated that items were "confirmed suspicious", 1 VRP 75; that HE considered the belongings abnormal, 6 VRP 536; and that TPD responded to a call regarding suspicious items to investigate, 6 VRP 535. No where in Officer Tiffany's testimony does he say that any items were immediately recognized as being associated with Criminal Activity, nor does he mention or assert that he was serving an Arrest Warrant on Mr. Smith. Officer Tiffany also never mentions receiving lawful Authority to enter into the Hotel Room, (See Opening Brief of Mr. Smith pg.15-16). The Courts failure to suppress evidence obtained through illegal/unconstitutional means should be reversed.

The Court incorrectly authorized entry based on outstanding

## Additional Ground 1 cont'd.

warrants that Mr. Smith had, as discussed Law Enforcement did not respond to assist with Warrant Service but to "investigate", 6 VRP 535; the Court incorrectly upheld and authorized a "pretextual entry/arrest/stop" which violates Art. 1 Sect. 7 of Washington State Constitution. (citing State v. Snapp, 153 Wn. App. 485, 219 P.3d 971 (Wash. App. Div. 2 2009), quoting State v. Myers, 150 Wash.2d 1027, 82 P.3d 242 (2004); Pretextual stops generally take the form of police stopping the driver for a minor traffic offense to investigate more serious violations -- violations for which the officer does not have probable cause.).

## Additional Ground 1 (a)

As argued in Mr. Smith's Opening Brief (Pg. 15-16), Law Enforcement did not receive lawful consent to enter the Hotel Room - a Private Protected area. Therefore the subsequent seizure of the Hotel Room(s) until able to procure Search Warrant(s), 2 VRP 88, 2 VRP 90, and 6 VRP 541, is unlawful and all evidence should have been suppressed as the subsequent search after reception of Warrant(s) does not erase the prior taint of the illegal entry & seizure (citing State v. Bean, 89 Wn.2d 467, 572 P.2d 1102 (1978)); The initial entry into the house was wrongful and the subsequently obtained search warrant was not curative of the original illegal entry.

## Additional Ground 1 (b)

Officers entered a "Private Area" in order to investigate items that were considered "suspicious" - (1 VRP 75; 5 VRP 446-447; 6 VRP 535-537). Officer Tiffany was asking "investigate questions" (2 VRP 77) and claims no search until after warrant(s) were received (2 VRP 90). However, without required "Authority of Law" even gaining visual access to a Protected Area without permission is a violation of privacy. (Citing *United States v. Pope*, 686 F. 3d 1078 (9<sup>th</sup> Cir. 2012), quoting *United States v. Windsor*, 846 F. 2d 1569 (9<sup>th</sup> Cir. 1988); police effected a search when they gained visual entry into a Hotel Room through a door that was opened at their command.)

## Additional Ground 2

Mr. Smith was convicted of Unlawful Possession of Firearm in the First Degree. Mr. Smith's Trial counsel addressed issues with Mr. Smith being notified of his inability to possess a Firearm (3 VRP 163-166). The Court states "It may not say anything on the Judgment and Sentence" (3 VRP 166). Without proof that Mr. Smith was notified either in writing or orally as mandated by RCW 9.41.047(1), this conviction cannot stand and must be reversed. (citing State v. Breitung, 173 Wn.2d at 402, 267 P.3d 1012 (2012)); "Because the record is silent on oral notification, the assumption is no such notice was given." Absent that notice, he is entitled to reversal of the Unlawful Possession of Firearms conviction.).

### Additional Ground 3

Mr. Smith was convicted of Leading Organized Crime. This charge requires predicate acts of Criminal Profiteering, RCW 9A.82.010(12). During testimony of Sarah Stetson-Hayden (7 VRP 595-671 & 8 VRP 694-703), Alissa Turner (6 VRP 488-508) and Kristine Carlson (5 VRP 389-425) there was talk about shopping but no specific acts that were either confirmed, corroborated or proven true that would prove the criminal profiteering element of Leading Organized Crime; This conviction must be reversed. (Citing State v. Barnes, 85 Wash. App. 638, 932 P.2d 669 (1997); Conviction for Leading Organized crime requires that defendant led three persons and that defendant intended to commit three acts of criminal profiteering.....).

## Additional Ground 4

Mr. Smith was convicted of 18 counts of Identity Theft in the 2<sup>nd</sup> Degree, three of the alleged victims:

A. Wilkins- Court ~~XIV~~- Appendix B @ 7

D. Schardt- Court ~~XXIV~~- Appendix B @ 12

E. Swanson- Court ~~XI~~- Appendix B @ 5

failed to testify. Susan Swanson testified (4 VRP 304) on behalf of her mother (E. Swanson), who is still alive, the State produced no evidence of why E. Swanson was unavailable to testify or that Susan Swanson had authority to speak for her mother. These convictions violate Mr. Smith's U.S.C.A. 6<sup>th</sup> Amendment as well as RCWA Const. 1 § 22 "To meet the witnesses against him face-to-face". Therefore these convictions must be reversed.



## Additional Ground 5

Mr. Smith was convicted of 18 counts of Identity Theft in the 2<sup>nd</sup> Degree, Unlawful Possession of a Personal Identification Device and Unlawful Possession of Payment Instruments. Each of the mentioned charges requires knowledge, possession and intent to be proven beyond a reasonable doubt, in order to convict. In the testimony of Sarah Stetson-Hayden (7 VRP 595-671 & 8 VRP 694-703), Alissa Turner (6 VRP 488-508) and Kristine Carlson (5 VRP 389-425) none of them placed Mr. Smith in possession of the mentioned items nor was there any testimony regarding intent to defraud with these items. Detective Schieferdecker testified that the Hotel Room(s) was in the name of Sarah Stetson-Hayden (5 VRP 373), not Mr. Smith's. Further the "Return of Officer" signed by Officer Tiffany (Appendix C) indicates that Sarah Stetson-Hayden was in possession of all items recovered during search. (Judge Chuschoff referred to Warrant to support probable cause. (2 VRP 115) yet didn't mention this page with regards to possession.). (quoting State v. Vasquez, 178 Wash. 2d 1, 309 P.3d 318 (2013); For crimes where possession and intent are elements of the crime, Washington courts do not permit inferences based on naked possession. Rather, this court and the Court of Appeals have consistently required the State prove intent beyond a reasonable doubt. Just as mere possession of a controlled substance does not support an inference of an intent to deliver or manufacture, neither does mere possession of a forged identification card support an inference of an intent to injure or defraud.). In the interest of justice reversal and remand is necessary.

## Additional Ground 6

Through Counsel, Mr. Smith requested Judge to recuse himself based on previous hearings related to this case, when Judge Chushcuff was Presiding Judge in CDPJ and made a few rulings in regards to this case; Mr. Smith also filed a Grievance against Judge Chushcuff PRIOR to his assignment as Trial Judge (1 VRP 5-6). Mr. Smith then attempted to file an "Affidavit of Prejudice" which Judge Chushcuff refused to accept stating he had no "actual" prejudice (2 VRP 119-120). (citing: *State v. Davis*, 175 Wash. 2d 287, 290 P.3d 43; quoting, *Sherman v. State*, 128 Wash. 2d 164, 205, 905 P.2d 355 (1995); In determining whether recusal is warranted, actual prejudice need not be proved; a "mere suspicion of impartiality" may be enough to warrant recusal.). Mr. Smith attempted to file Discretionary Review (2 VRP 119-120), Judge refused to sign and order into record necessary documents. At later date court accepted Discretionary Review Motion stating "It's a little late now." (3 VRP 816-817.). (citing: *Tatham v. Rogers*, 170 Wn. App. 76, 283 P.3d 583 (2012), Like the protections of due process, Washington's appearance of fairness doctrine seeks to prevent the problem of a biased or potentially interested judge. quoting: *State v. Carter*, 77 Wash. App. 8, 12, 888 P.2d 1230 (1995), (Under this doctrine, evidence of a judges actual bias is not required, it is enough to present evidence of a Judges actual or potential bias. quoting: *Post*, 118 Wash. 2d at 619 n. 9, 826 P.2d 172, 837 P.2d 599; The CJC recognizes that where a trial judges decisions are tainted by even a mere suspicion of partiality, the effect on the public confidence in our judicial system can be debilitating.).

## Additional Ground 7

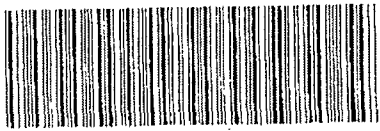
Mr. Smith received Ineffective Assistance of Counsel. Trial Counsel failed to bring Motion to Suppress based on violation of W.S.C.A Art 1, Section 7, which prohibits illegal search and seizure. There was no strategic reason for not addressing issues of automatic standing where possession is an essential element of majority of Mr. Smiths' crimes. There is no strategic reason for not objecting to convictions of which the "victim(s)" did not testify. There is no strategic reason for not arguing that the State did not prove the elements of charged crimes beyond a reasonable doubt. There is no strategic reason for bringing arguments without supporting authorities, 3 VRP 163-166. There is no strategic reason for not knowing Identity Theft statutes, Mr. Underwood made a argument in his Closing Argument that a business is not a person for the purpose of Identity Theft (8 VRP 786) this resulted in new jury instructions being issued (8 VRP 799-801). Trial Counsel was unprepared in his arguments and his lack of knowledge in the areas of which defending, Mr. Smith resulted in an unfair Trial resulting in multiple convictions primarily based upon the use of tainted evidence that was never put into Mr. Smiths' possession. (Citing: State v. Hamilton, 179 Wn. App. 870, 320 P.3d 142; No conceivable strategic reason for counsel to have failed to move to suppress based on unlawful search of purse.) (Citing: State v. Edwards, 171 Wn. App. 379, 294 P.3d 708 (2012); To satisfy the prejudice prong, the defendant must show the outcome of the proceedings would have differed but for counsels deficient performance.)

## Additional Ground 8

Mr. Smith cites multiple errors in his SAG and Opening Brief. All of the assigned errors are accompanied with decisions that reversed those issues. Mr. Smith is also now citing the cumulative error doctrine, asserting that had issues been appropriately addressed Mr. Smith would've received a fair trial. Since Mr. Smith did not receive a fair trial in the interest of justice all charges / convictions require reversal. (citing: State v. Hodges, 118 Wn. App. 668, 673-74, 77 P.3d 375 (2003), review denied, 151 Wn.2d 1031, 94 P.3d 960 (2004); The cumulative error doctrine applies when several errors occurred, denying the defendant a fair trial, even though no single error warrants reversal.). (citing: State v. Garcia, 177 Wn. App. 769, 313 P.3d 422 (2013); Even where several errors standing alone do not warrant reversal, the cumulative error doctrine requires reversal when the combined effect of the errors denied the defendant a fair trial.)

## **APPENDIX A**

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,  vs. RANDALL CHRISTOPHER SMITH,  Defendant.	Plaintiff,  vs.  Defendant.	CAUSE NO. 12-1-04415-7  FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CrR 3.6 HEARING
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THIS MATTER having come on before the Honorable Bryan Chushcoff, judge of the above entitled court, for a CrR 3.6 motion on the 5th day of May, 2014, the defendant having been present and represented by attorney Kent Underwood, and the State being represented by Deputy Prosecuting Attorney Melody Crick, and the court having considered all the evidence, heard testimony and the arguments of counsel and being duly advised in all matters, the Court makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

I.

That on November 25, 2012, bail bond recovery agents David Chadwick and Joseph Kaufman had received information that defendant, Randall Smith, was staying at the La Quinta hotel in Tacoma. The bail bond recovery agents had a contract from A Affordable Bail Bonds to arrest defendant after he failed to appear for a King County case. David Chadwick testified his practice is to confirm the warrant. The contract was admitted at the CrR 3.6 hearing.

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II.

The bail bond recovery agents were licensed and followed procedures for entering the hotel. They called the Tacoma Police Department to let them know they were going in to obtain defendant, showed defendant's picture to the front desk, confirmed he was in the hotel and then entered room 612 with a pass key in order to obtain defendant. Defendant was in room 612 and was detained by the recovery agents. Co-defendant Sarah Stetson-Hayden was also in the room.

III.

The bail bond recovery agents observed large amount of credit cards, computers, shopping bags and other items filling the room. All of the items the bail recovery agents observed were in plain view. Suspecting criminal activity, the bail recovery agents called Tacoma Police Department and stayed at the scene until they arrived a few minutes later. The bail recovery agents were only at the hotel to arrest the defendant on his outstanding warrant. They do not investigate crime.

IV.

Defendant obtained the rooms fraudulently. Defendant was not registered in the room under his real name. Defendant had an identification card, that Officer Tiffany observed was obviously fake, in the name of Marvin Crotto. Defendant had used that identification to rent the room. In addition, defendant had used a stolen credit card to rent the room. The true owner of the credit card was Gordon Stone.

V.

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1 Defense counsel conceded at the CrR 3.6 hearing that the entry into room 612 by the bail  
2 recovery agents was lawful. There was no dispute that there was a valid warrant for defendant's  
3 arrest.

4 VI.

5 That on November 25, 2012, Tacoma Police Officer Jared Tiffany was working in his  
6 official capacity. Officer Tiffany was dispatched to the LaQuinta Inn at 1425 E. 27<sup>th</sup> St. in  
7 Tacoma, WA at about 8:30pm. Dispatch indicated that bail recovery agents had discovered  
8 items in a hotel room that were possibly related to financial crimes.

9 VII.

10 Officer Tiffany spoke to one of the bail recovery agents, Joseph Kauffman, who told the  
11 officer what he had observed. Officer Tiffany then contacted Sgt. Michael Lim who told him to  
12 wait for Officer Phillip Hoschouer. Once Hoschouer arrived the officers went to room 612 of the  
13 La Quinta.

14 VIII.

15 When the officers entered the room, defendant was secured in handcuffs and was being  
16 guarded by another bail recovery agent, David Chadwick. Co-defendant Sarah Stetson-Hayden  
17 was sitting on the bed.  
18

19 IX.

20 Officers Tiffany and Hoschouer both observed a large amount of items in the hotel room.  
21 There were bins, computers, shopping bags, stacks of checks, mail, office supplies, and a box on  
22 the bed that contained ~~hundreds of~~ <sup>numerous</sup> credit cards. All of the items noted by the officers were in <sup>BEC</sup>  
23 plain view. Officer Tiffany noted that one part of the room, with the electronics, appeared to be  
24 organized while the other part did not.  
25



## X.

1 Officer Tiffany interviewed defendant. After advising defendant of his *Miranda* rights,  
 2 defendant answered questions including the fact that he and his girlfriend Sarah had checked into  
 3 the hotel earlier in the week and had rented five rooms. He gave no reason why he had rented  
 4 that many rooms but did say that he had let several of his friends stay in the other rooms.  
 5 Defendant refused to provide the room numbers, stating "You can find it." Defendant said that  
 6 he and Sarah had stayed in room 612 since they checked in. The night before, they decided to do  
 7 a room switch with their friend Trina and had started to move some of their belongings to room  
 8 215 but still had some of their things in room 612. Officer Tiffany observed that defendant was  
 9 arrogant and argumentative during the entire contact.  
 10

## XI.

11  
 12 Officer Hoschouer interviewed Sarah Stetson-Hayden. Stetson-Hayden's statements  
 13 were included in the affidavit for search warrant which defense counsel attached to his brief and  
 14 which the Court took notice of at the CrR 3.6 hearing. Stetson-Hayden admitted that there was  
 15 stolen merchandise in the room and that defendant would forge checks and have his friends cash  
 16 the checks.  
 17

## XII.

18  
 19 The officers did not search the rooms, including room 612, until after search warrants  
 20 were obtained. As soon as the officers saw what was in the rooms, defendant and Stetson-  
 21 Hayden were removed and the room was secured. Officer Tiffany wrote the search warrants and  
 22 had them signed by a judge. The search of the rooms only commenced after the search warrants  
 23 were obtained.  
 24

## XIII.

1 Defendant himself claimed ownership of the two vehicles in the LaQuinta hotel parking  
 2 lot. Officer Luke Wallin transported defendant to jail. While defendant was in Officer Wallin's  
 3 car, defendant observed his two vehicles being towed. Defendant asked why his vehicles were  
 4 being impounded and Officer Wallin told him they were being impounded pending a search  
 5 warrant. Defendant stated that he purchased both vehicles off Craigslist a couple of weeks  
 6 earlier. He said he paid \$4,500 for the 2012 Chrysler and \$3,500 for the 2102 Subaru and did not  
 7 think that there was anything odd about the purchase prices. Officer Wallin advised they were  
 8 registered to a rental company and defendant still insisted the vehicles were his.

9 XIV.

10 That the State's witnesses that testified at the CrR 3.6 hearing are credible.

11 CONCLUSIONS OF LAW

12 I.

13 That the Court finds that the bail bond recovery agents lawfully entered hotel room 612  
 14 that defendant had fraudulently rented. The bail bond recovery agents properly called the police  
 15 when they discovered evidence of criminal activity.

17 II.

18 That the Court finds that the officers lawfully entered hotel room 612 that defendant had  
 19 fraudulently rented. The officers spoke with the reporting party, one of the bail bond recovery  
 20 agents, prior to entering the room. Defendant was already under arrest when the officers entered  
 21 the room. The valid arrest warrant for the defendant provided Officer Tiffany and Officer  
 22 Hoshouer with an independent basis to enter the hotel room. The officers were not required to  
 23 independently confirm the warrant prior to entering the hotel room.

24 III.

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1 The Court finds that the officers properly applied for and obtained search warrants. Once  
 2 they were in room 612, the officers noticed a large amount of items that indicated there was  
 3 criminal <sup>activity</sup> ~~actively~~ taking place. Everything the officers observed was in plain view. They also *BEC*  
 4 obtained statements from the defendant and Sarah Stetson-Hayden. The combined total of the  
 5 officers' observations and the statements resulted in ~~strong~~ probable cause and a basis for the *BEC*  
 6 search warrants. There was a basis for a search warrant for each of the five hotel rooms and the  
 7 two cars.  
 8

9 IV.

10 The Court finds that all warrants in this case are valid and that the officers did not search  
 11 until the search warrants were obtained.

12 V.

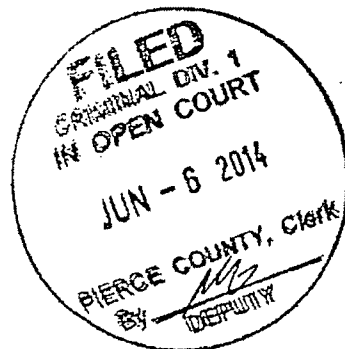
13 The Court finds that the evidence obtained from the search warrants issued in this case is  
 14 admissible and the motion to suppress is denied.  
 15

16  
 17 DONE IN OPEN COURT this *6<sup>th</sup>* day of June, 2014.

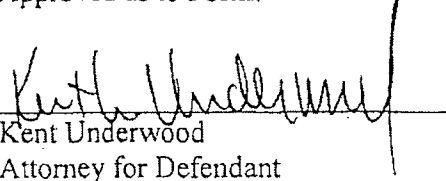
18 *Bryan Lambert*  
 19 \_\_\_\_\_  
 20 JUDGE

21 Presented by:

22 *Melody M. Crick*  
 23 \_\_\_\_\_  
 24 Melody M. Crick  
 25 Deputy Prosecuting Attorney  
 WSB# 35453



Approved as to Form:



Kent Underwood  
Attorney for Defendant  
WSB# 27250  
srp

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## **APPENDIX B**

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 12-1-04415-7

vs:

RANDALL CHRISTOPHER SMITH,

CORRECTED SECOND AMENDED  
INFORMATION

Defendant.

DOB: 6/29/1981  
PCN#: 540861641

SEX : MALE  
SID#: 26319368

RACE: BLACK  
DOL#: UNKNOWN

COUNT I

I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of IDENTITY THEFT IN THE FIRST DEGREE, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, during the period between the 29th day of September, 2012 and the 25th day of November, 2012, did unlawfully, feloniously, knowingly obtain, possess, use or transfer a means of identification or financial information of another person, living or dead, to-wit: J. Black, with the intent to commit, or to aid or abet, any crime and thereby obtains an aggregate total of credit, money, goods, service, or anything else of value in excess of one thousand five hundred dollars, contrary to RCW 9.35.020(1)(2), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will result in some of the current offenses going unpunished, and against the peace and dignity of the State of Washington.

COUNT II

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or

CORRECTED SECOND AMENDED INFORMATION- 1

1 constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
2 occasion that it would be difficult to separate proof of one charge from proof of the others, committed as  
follows:

3 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
4 of November, 2012, did unlawfully, feloniously, and knowingly own, have in his possession, or under his  
5 control a firearm, he having been previously convicted in the State of Washington or elsewhere of a  
6 serious offense, as defined in RCW 9.41.010, contrary to RCW 9.41.040(1)(a), and the crime was  
7 aggravated by the following circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed  
multiple current offenses and the defendant's high offender score will result in some of the current  
offenses going unpunished, and against the peace and dignity of the State of Washington.

8 COUNT IV

9 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
10 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
11 UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION DEVICE, a crime of the same or  
12 similar character, and/or a crime based on the same conduct or on a series of acts connected together or  
constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and  
occasion that it would be difficult to separate proof of one charge from proof of the others, committed as  
follows:

13 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
14 of November, 2012, did unlawfully and feloniously, possess a personal identification device with intent to  
15 use such device to commit theft, forgery or identity theft, contrary to RCW 9A.56.320(3), and in the  
16 commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a shotgun, that  
17 being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.530, and adding  
18 additional time to the presumptive sentence as provided in RCW 9.94A.533, and the crime was  
19 aggravated by the following circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed  
multiple current offenses and the defendant's high offender score will result in some of the current  
offenses going unpunished, and against the peace and dignity of the State of Washington.

20 COUNT V

21 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
22 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
UNLAWFUL POSSESSION OF A STOLEN VEHICLE, a crime of the same or similar character, and/or  
23 a crime based on the same conduct or on a series of acts connected together or constituting parts of a  
single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
difficult to separate proof of one charge from proof of the others, committed as follows:

1 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
2 of November, 2012, did unlawfully and feloniously knowingly possess a stolen motor vehicle, knowing  
3 that it had been stolen, contrary to RCW 9A.56.068 and 9A.56.140, and the crime was aggravated by the  
4 following circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed multiple current  
5 offenses and the defendant's high offender score will result in some of the current offenses going  
6 unpunished, and against the peace and dignity of the State of Washington.

7 COUNT VI

8 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
9 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
10 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
11 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
12 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
13 difficult to separate proof of one charge from proof of the others, committed as follows:

14 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
15 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
16 of identification or financial information of another person, living or dead, to-wit: M. Stephens, with the  
17 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
18 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
19 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
20 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
21 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
22 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
23 Washington.

24 COUNT VII

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
difficult to separate proof of one charge from proof of the others, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
of identification or financial information of another person, living or dead, to-wit: A. Daniel, with the  
intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one



1 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
2 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
3 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
4 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
Washington.

#### COUNT VIII

5 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
6 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
7 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
8 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
difficult to separate proof of one charge from proof of the others, committed as follows:

9 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
10 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
11 of identification or financial information of another person, living or dead, to-wit: T. Rawson, with the  
12 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
13 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
14 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
15 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
(2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
Washington.

#### COUNT IX

17 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
18 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
19 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
20 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
difficult to separate proof of one charge from proof of the others, committed as follows:

21 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
22 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
23 of identification or financial information of another person, living or dead, to-wit: B. Nelson, with the  
24 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW

1 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
 2 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
 3 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
 4 Washington.

#### 5 COUNT X

6 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
 7 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
 8 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
 9 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
 10 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 11 difficult to separate proof of one charge from proof of the others, committed as follows:

12 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
 13 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
 14 of identification or financial information of another person, living or dead, to-wit: D. Farihna, with the  
 15 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
 16 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
 17 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
 18 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
 19 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
 20 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
 21 Washington.

#### 22 COUNT XI

23 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
 24 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 difficult to separate proof of one charge from proof of the others, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
 of identification or financial information of another person, living or dead, to-wit: E. Swanson, with the  
 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535

1 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
 2 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
 Washington.

3 COUNT XII

4 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
 5 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
 6 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 7 difficult to separate proof of one charge from proof of the others, committed as follows:

8 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
 9 of identification or financial information of another person, living or dead, to-wit: S. Ibrahim, with the  
 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
 10 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
 11 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
 12 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
 13 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
 14 Washington.

15 COUNT XIII

16 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
 17 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
 18 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
 19 difficult to separate proof of one charge from proof of the others, committed as follows:

20 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
 21 of identification or financial information of another person, living or dead, to-wit: L. Trevino, with the  
 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
 22 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
 23 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
 24 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will

1 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
2 Washington.

#### COUNT XIV

3 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
4 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
5 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
6 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
7 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
8 difficult to separate proof of one charge from proof of the others, committed as follows:

9 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
10 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
11 of identification or financial information of another person, living or dead, to-wit: A. Wilkins, with the  
12 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
13 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
14 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
15 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
16 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
17 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
18 Washington.

#### COUNT XV

19 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
20 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
21 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
22 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
23 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
24 difficult to separate proof of one charge from proof of the others, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
of identification or financial information of another person, living or dead, to-wit: L Gathu, with the  
intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
(2) (c), defendant has committed multiple current offenses and the defendant's high offender score will

1 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
2 Washington.

3 COUNT XVI

4 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
5 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
6 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
7 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
8 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
9 difficult to separate proof of one charge from proof of the others, committed as follows:

10 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
11 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
12 of identification or financial information of another person, living or dead, to-wit: T. McLeod, with the  
13 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
14 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
15 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
16 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
17 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
18 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
19 Washington.

20 COUNT XVII

21 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
22 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
23 LEADING ORGANIZED CRIME, a crime of the same or similar character, and/or a crime based on the  
24 same conduct or on a series of acts connected together or constituting parts of a single scheme or plan,  
and/or so closely connected in respect to time, place and occasion that it would be difficult to separate  
proof of one charge from proof of the others, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, during the period  
between the 29th day of September, 2012 and the 25th day of November, 2012, did unlawfully,  
feloniously, and intentionally organize, manage, direct, supervise, or finance any three or more persons,  
Sarah Stetson-Hayden, Alissa Turner, Kristine Carlson, with the intent to engage in a pattern of criminal  
profiteering activity, to-wit: identity theft and related crimes, contrary to RCW 9A.82.060(1)(a), and in  
the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a shotgun, that  
being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.530, and adding  
additional time to the presumptive sentence as provided in RCW 9.94A.533, and the crime was  
aggravated by the following circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed

1 multiple current offenses and the defendant's high offender score will result in some of the current  
2 offenses going unpunished, and against the peace and dignity of the State of Washington.

COUNT XVIII

3 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
4 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
5 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
6 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
7 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
8 difficult to separate proof of one charge from proof of the others, committed as follows:

9 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
10 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
11 of identification or financial information of another person, living or dead, to-wit: M. Crotto, with the  
12 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
13 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
14 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
15 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
16 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
17 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
18 Washington.

COUNT XIX

19 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
20 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
21 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
22 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
23 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
24 difficult to separate proof of one charge from proof of the others, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
of identification or financial information of another person, living or dead, to-wit: S. Katz, with the  
intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
(2) (c), defendant has committed multiple current offenses and the defendant's high offender score will

1 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
2 Washington.

COUNT XX

3 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
4 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
5 UNLAWFUL POSSESSION OF PAYMENT INSTRUMENTS, a crime of the same or similar character,  
6 and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of  
7 a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would  
8 be difficult to separate proof of one charge from proof of the others, committed as follows:

9 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
10 of November, 2012, did unlawfully and feloniously possess two or more checks or other payment  
11 instruments in the name of a person or entity, or with the routing number or account number of a person  
12 or entity, without the permission of the person or entity to possess such payment instrument, and with  
13 intent either to deprive the person of possession of such payment instrument or to commit theft, forgery,  
14 or identity theft, contrary to RCW 9A.56.320(2)(a)(i), and the crime was aggravated by the following  
15 circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed multiple current offenses and  
16 the defendant's high offender score will result in some of the current offenses going unpunished, and  
17 against the peace and dignity of the State of Washington.

COUNT XXI

18 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
19 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
20 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
21 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
22 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
23 difficult to separate proof of one charge from proof of the others, committed as follows:

24 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
of identification or financial information of another person, living or dead, to-wit: A. Holen, with the  
intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
(2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
Washington.

## COUNT XXII

1  
2 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
3 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
4 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
5 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
6 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
7 difficult to separate proof of one charge from proof of the others, committed as follows:

8 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
9 of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
10 of identification or financial information of another person, living or dead, to-wit: G. Holen, with the  
11 intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
12 obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
13 thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
14 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
15 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
16 result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
17 Washington.

## COUNT XXIII

18 And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the  
19 authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of  
20 IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a  
21 crime based on the same conduct or on a series of acts connected together or constituting parts of a single  
22 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be  
23 difficult to separate proof of one charge from proof of the others, committed as follows:

24 That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day  
of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means  
of identification or financial information of another person, living or dead, to-wit: J. Aiken, with the  
intent to commit, or to aid or abet, any crime and did use such identification or financial information to  
obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one  
thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW  
9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535  
(2) (c), defendant has committed multiple current offenses and the defendant's high offender score will  
result in some of the current offenses going unpunished, and against the peace and dignity of the State of  
Washington.



COUNT XXIV

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means of identification or financial information of another person, living or dead, to-wit: D. Schonhardt, with the intent to commit, or to aid or abet, any crime and did use such identification or financial information to obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed multiple current offenses and the defendant's high offender score will result in some of the current offenses going unpunished, and against the peace and dignity of the State of Washington.

\  
\\  
\\\

COUNT XXV § 26

And I, MARK LINDQUIST, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse RANDALL CHRISTOPHER SMITH of the crime of IDENTITY THEFT IN THE SECOND DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That RANDALL CHRISTOPHER SMITH, in the State of Washington, on or about the 25th day of November, 2012, did unlawfully, feloniously, and knowingly obtain, possess, use or transfer a means of identification or financial information of another person, living or dead, to-wit: Beatty and Cottam, with the intent to commit, or to aid or abet, any crime and did use such identification or financial information to obtain an aggregate total of credit, money, goods, services or anything else of value in an amount of one thousand five hundred dollars or less in value or did not obtain anything of value, contrary to RCW 9.35.020(3), and the crime was aggravated by the following circumstance: pursuant to RCW 9.94A.535 (2) (c), defendant has committed multiple current offenses and the defendant's high offender

1 score will result in some of the current offenses going unpunished, and against the peace and dignity of  
2 the State of Washington.

3 DATED this 14th day of May, 2014.

4 TACOMA POLICE DEPARTMENT  
WA02703

MARK LINDQUIST  
Pierce County Prosecuting Attorney

5  
6 srp

By: \_\_\_\_\_  
MELODY M CRICK  
Deputy Prosecuting Attorney  
WSB#: 35453

## **APPENDIX C**

RETURN OF OFFICER

STATE OF WASHINGTON

COUNTY OF PIERCE

} ss:

NO. \_\_\_\_\_

12-1-51500-1

THIS IS TO CERTIFY that I received the within Search Warrant on the 26th day of November, 2012, and that pursuant to the command contained therein, I made due and diligent search of the property described therein and found the following:

DUFFEL BAG, BRIEFCASE, FILE CABINET, PURSE, CONTAINER, LAPTOP,  
TOOL BOX, SHOTGUN, AMMUNITION, PRINTER, SUITCASE, MONITOR,  
LAPTOP, SCANNER, MISC. PAPERWORK, 4 CELL PHONES,  
LABELER, LAPTOP, SUITCASE, MULTIPLE ID'S, KEYS,  
CREDIT CARDS, FINANCIAL DOCUMENTS, THUMB DRIVES.

FILED  
IN COUNTY CLERK'S OFFICE

A.M. NOV 27 2012 P.M.

PIERCE COUNTY, WASHINGTON

Names of persons found in possession of property: SARAH STETSON-HAYDEN

Names of persons served with true and complete copy of Search Warrant: ABOVE

Description of door or conspicuous place where copy of Search Warrant posted: SERVED AT JAIL

Place where property is now kept:

TACOMA PD PROPERTY ROOM

DATED this 26th day of November, 2012.

Witnesses:

M. G. [Signature] #145

J. TIFFANY 097