

No. 73035-5-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

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STATE OF WASHINGTON,

Respondent,

v.

ALLEN BUMANGLAG,

Appellant.

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FILED  
July 14, 2015  
Court of Appeals  
Division I  
State of Washington

ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR KING COUNTY

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APPELLANT'S OPENING BRIEF

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## **A. INTRODUCTION**

To search a residence, there must be probable cause to believe that evidence will be found there. Police arrested Allen Bumanglag, who had been a passenger in a stolen vehicle, and found evidence indicative of possible identity theft on him. Shortly before, police had seen Mr. Bumanglag and the driver leave a residence. Police obtained a warrant to search for evidence of identity theft at these premises. The affidavit in support of the warrant did not state who lived there. Despite the lack of an adequate nexus, a court issued the warrant.

Based on evidence police found in a room at the residence where Mr. Bumanglag appeared to have been living, the State charged Mr. Bumanglag with six counts of identity theft in the second degree. Though this warrant was invalid and key evidence had been obtained through its execution, Mr. Bumanglag's counsel did not move to suppress. Because this violated Mr. Bumanglag's right to effective assistance of counsel, all the convictions for identity theft should be reversed. Additionally, the conviction for taking a motor a vehicle without permission, along with one of the convictions for identity theft, should be dismissed for insufficient evidence.

## **B. ASSIGNMENTS OF ERROR**

1. Mr. Bumanglag was deprived of his right to effective assistance

of counsel, as guaranteed by the Sixth Amendment to the United States Constitution and article I, section 22 of the Washington Constitution.

2. In violation of the due process clauses of the Fourteenth Amendment to the United States Constitution and article I, section 3 of the Washington Constitution, a conviction for identity theft (count two) is not supported by sufficient evidence.

3. In violation of the due process clauses of the Fourteenth Amendment to the United States Constitution and article I, section 22 of the Washington Constitution, the conviction for taking a motor without permission in the second degree is not supported by sufficient evidence.

### **C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

1. When there are serious questions about the validity of a warrant and a successful suppression motion would result in exclusion of important evidence, the failure by defense counsel to move to suppress is ineffective performance. Through a search warrant, key evidence against the defendant was found in a room where he appeared to be living. The warrant did not establish probable cause to believe that evidence of identity theft would be found at the premises. The affidavit in support of the warrant did not establish that the defendant lived at the premises or that it was probable that evidence of identity theft would be found there. Was the defendant deprived of his right to effective assistance of counsel



when his attorney failed to make a meritorious motion to suppress that would have resulted in exclusion of key evidence against his client?

2. To be guilty of identity theft, the State must prove that the defendant knew the means of identification belonged to another person. Police found a handwritten Social Security number on a scrap of paper on the defendant. The name of the owner of this number did not appear in any of the evidence. Was the defendant's bare possession of a written Social Security number insufficient to prove that he knew this means of identification belonged to another person?

3. As a passenger, to be guilty of taking a motor vehicle without permission in the second degree, the State must prove that the passenger voluntarily rode in the vehicle knowing it was unlawfully taken. The defendant, carrying a backpack, got into the passenger seat of an undamaged Honda. When signaled to stop, the driver tried to elude police. Shortly after police terminated the pursuit, they found the car unoccupied. The key used to start the car had a Chevrolet logo and was protruding slightly. Inside the backpack in the car was the vehicle's registration. The car was stolen. Finding the defendant standing at a nearby gas station, police arrested him. He explained he had not known the car was stolen. Given these innocuous circumstances, did the State fail

to prove that the defendant voluntarily rode in the car knowing it was stolen?

#### **D. STATEMENT OF THE CASE**

On March 18, 2014, police were staking out the residence at 7319 16th Avenue SW, Seattle, Washington. 1RP 145-46; 2RP 127-28.<sup>1</sup> They were looking to arrest L. John Dacome and Jason Felipe on outstanding warrants. 1RP 145-46; 2RP 6; 3RP 6.

Around 4:15 p.m., Officer Greg Grannis, who was in an unmarked vehicle, saw two men walking down the driveway from the residence. 2RP 129, 137. He was positive that one was Mr. Felipe and suspected the other was Mr. Dacome, but was unsure. 2RP 133-34; 3RP 11. The man who he thought might be Mr. Dacome was carrying a backpack. 2RP 137. He saw them get into a Honda that was parked behind him and drive away. 2RP 134, 142. Mr. Felipe was the driver. See 2RP 82-83, 85, 132. Officer Grannis informed the other officers. 2RP 138-39.

Officer Gregory Oliden, who was in an unmarked pickup truck, and Officer Brian Schafer, who was in a marked car, pursued them. 2RP 67; 3RP 8, 14. Officer Schaffer signaled the driver to stop. 2RP 76. The

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<sup>1</sup> 1RP refers to the first volume which contains proceedings from December 4 and 8, 2014. 2RP refers to the second volume which contains proceedings from December 9, 2014. 3RP refers to the third volume which contains proceedings from December 10 and 11, 2014.

driver did not stop. 3RP 16. Police terminated the pursuit because the warrants for Mr. Felipe and Mr. Dacome were just for property crimes.

3RP 17. At some point, dispatch advised Officer Schaffer that, based on the license plate, the Honda was stolen. 2RP 80.

Though they terminated the pursuit, the two officers kept looking for the Honda. 3RP 18-19. They found it, without the driver or passenger, in a parking lot. 3RP 18-19. A man nearby reported seeing two men running and pointed the officers in their direction. 2RP 50. The officers pursued on foot. 2RP 81; 3RP 19. At a nearby Shell gas station, the officers saw the man they believed to be Mr. Dacome standing in the parking lot. 2RP 78, 82. Officer Schafer arrested him. 2RP 83. Officer Olliden pursued Mr. Felipe, who had run in the direction of a wooded area, but later stopped his pursuit. 3RP 21-22.

Searching the man he thought was Mr. Dacome, Officer Schafer learned the man was actually Allen Bumanglag after finding Mr. Bumanglag's driver's license. See 2RP 100; Ex. 7 at page 10. Mr. Bumanglag explained that he did not know the car was stolen. 2RP 84. In Mr. Bumanglag's wallet or pocket, Officer Schaffer found a nine-digit number written on a scrap of a paper, a Chase deposit slip in the name of Larina Cooper, and Mr. Bumanglag's Social Security card, which was missing the last four digits. 2RP 86-87; Ex. 7 at page 10.

Later, around 5:22 p.m., Officer Grannis saw Mr. Dacome and a woman named Dia Tacardon<sup>2</sup> leave the residence and walk in the direction of a nearby 7-Eleven. 2RP 143, 145-47. Police learned that Ms. Tacardon also had a warrant out for her arrest. 1RP 7. Officers arrested them as they were leaving the 7-Eleven. 2RP 147-48.

Detective Jeffrey Christiansen obtained a warrant to search the premises of 7319 16th Avenue SW and the Honda for evidence of identity theft. Ex. 3; 1RP 147-48. Before the search warrant was executed, about six people left the residence. 3RP 31. Around 9:45 p.m., a SWAT (Special Weapons and Tactics) team executed the warrant. 3RP 44, 48. No one was at the premises. 3RP 48. The SWAT team swept the house and an outbuilding behind the house, breaking any locked doors they encountered. 3RP 41, 47, 150. The outbuilding, which may have been a garage at one point, was divided into living spaces and had four rooms. 2RP 149-50.

Non-SWAT team members then searched the premises. In one of the rooms of the outbuilding where it appeared somebody was living in, Detective Christensen found documents bearing Mr. Bumanglag's name,

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<sup>2</sup> The transcripts spell this name phonetically as "Decardont." Other documents in the record use the spelling Tacardon. Because Tacardon appears to be the correct spelling, the brief uses that spelling.

though with different addresses than 7319 16th Avenue. 1RP 10-11. In a red backpack inside the same room, police found more documents bearing Mr. Bumanglag's name along with documents belonging to other people. 1RP 152, 162; Ex. 5.

The owner of the Honda reported that his car had gone missing on March 17, 2014. 2RP 42-43. His car registration was found in a backpack inside the Honda. 1RP 183-84.

The State charged Mr. Bumanglag with six counts of identity theft in the second degree and one count of taking a motor vehicle without permission in the second degree. CP 11-13. Counsel for Mr. Bumanglag did not file any motion to suppress. Mr. Bumanglag sought to discharge counsel, but the court denied his requests. CP 14-16; 1RP 11, 15. A jury convicted Mr. Bumanglag as charged. CP 70-77.

## **E. ARGUMENT**

**1. The search warrant was invalid. The failure by defense counsel to move to suppress the evidentiary fruits gained from the execution of this warrant deprived the defendant of his right to effective assistance of counsel.**

**a. Defendants have the right to effective assistance of counsel.**

Our state and federal constitutions guarantee the right to effective assistance of counsel to criminal defendants. U.S. Const. amend. VI;

Const. art. I, § 22.<sup>3</sup> To establish ineffective assistance of counsel, the person must show deficient performance and resulting prejudice. Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); State v. Reichenbach, 153 Wn.2d 126, 130, 101 P.3d 80 (2004). Deficient performance is performance falling below an objective standard of reasonableness. Strickland, 466 U.S. at 687. A claim of ineffective assistance presents a mixed question of law and fact, reviewed de novo. In re Per. Restraint of Brett, 142 Wn.2d 868, 873, 16 P.3d 601 (2001).

When counsel's conduct can be characterized as legitimate trial strategy or tactics, performance is not deficient. State v. Kyлло, 166 Wn.2d 856, 863, 215 P.3d 177 (2009). The presumption that counsel was effective is rebutted if there is no legitimate tactical explanation for counsel's actions. Reichenbach, 153 Wn.2d at 130; State v. Aho, 137 Wn.2d 736, 745-46, 975 P.2d 512 (1999). "The relevant question is not whether counsel's choices were strategic, but whether they were

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<sup>3</sup> "In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence." U.S. Const. amend. VI.

"In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel." Const. art. I, § 22.

reasonable.” Roe v. Flores–Ortega, 528 U.S. 470, 481, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000).

**b. Because the search warrant raised serious questions about its validity and the evidentiary fruits were central to the prosecution, counsel’s performance was deficient in not moving to suppress.**

When there is a question as to the legality of a search or seizure, it is not per se deficient representation not to move to suppress. State v. McFarland, 127 Wn.2d 322, 336, 899 P.2d 1251 (1995). Still, an adequate record may establish that not moving to suppress was deficient performance. Id. at 337.

Reichenbach is illustrative. There, in a prosecution for possession of methamphetamine, defense counsel did not move to suppress the drugs despite the drugs being the “most important evidence” against the defendant and “serious questions about the validity of the warrant upon which the search was based.” Reichenbach, 153 Wn.2d 130-31. The “warrant was invalid at the time of its execution because information from [the informant], acquired after the warrant was issued but before its execution, negated probable cause.” Id. at 131. Because this argument was available to counsel and counsel’s failure to move to suppress could not be explained as a legitimate strategy, counsel’s performance was deficient. Id. at 131.

Here, police obtained a warrant to search the premises at 7319 16th Avenue SW. Ex. 3.<sup>4</sup> As a result, police obtained evidence from a room, which Mr. Bumanglag appeared to have been living in, that was used against him. Ex. 3, 5; 1RP 147, 152, 162-74. This evidence was the basis for five of the six identity theft counts and also was used to establish criminal intent as to all six identity theft counts. CP 12-16; 3RP 112-14, 119-20. As explained in detail below, the warrant and supporting affidavit present serious questions as to whether there was probable cause to believe there was evidence of identity theft located at the premises. Ex. 3. Yet Mr. Bumanglag's lawyer did not move to suppress. Counsel's conduct was therefore deficient. Cf. Reichenbach, 153 Wn.2d at 130–31; State v. Klinger, 96 Wn. App. 619, 623, 980 P.2d 282 (1999) (deficient performance not to bring suppression motion and challenge search warrant); State v. Hamilton, 179 Wn. App. 870, 880, 320 P.3d 142 (2014) (“no strategic reason not to file a motion to suppress the most crucial evidence in the case.”).

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<sup>4</sup> A copy of the exhibit 3, which contains the affidavit, search warrant, and inventory is attached in the appendix.



**c. The search warrant was invalid because it lacked a sufficient nexus.**

The state and federal constitutions protect against unlawful searches and seizures. Const. art. I, § 7; U.S. Const. amend. IV.<sup>5</sup> Absent a valid warrant, searches and seizures inside a home are presumptively unlawful. Payton v. New York, 445 U.S. 573, 586, 100 S. Ct. 1371, 63 L. Ed. 2d 639 (1980); State v. Holeman, 103 Wn.2d 426, 429, 693 P.2d 89 (1985). Merely arresting someone does not authorize police to search that person's home. See, e.g., Chimel v. California, 395 U.S. 752, 753, 89 S. Ct. 2034, 23 L. Ed. 2d 685 (1969) (after arresting defendant in home pursuant to arrest warrant, police searched entire home; search unlawful).

“A search warrant may issue only upon a determination of probable cause.” State v. Thein, 138 Wn.2d 133, 140, 977 P.2d 582 (1999). Probable cause to believe that a person has committed a crime does not necessarily supply probable cause to search the person's home. Id. at 148. Review of whether the search warrant was properly issued is

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<sup>5</sup> “No person shall be disturbed in his private affairs, or his home invaded, without authority of law.” Const. art. I, § 7.

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” U.S. Const. amend. IV.

limited to the four corners of the affidavit offered to establish probable cause. State v. Neth, 165 Wn.2d 177, 182, 196 P.3d 658 (2008).

“Probable cause exists if the affidavit in support of the warrant sets forth facts and circumstances sufficient to establish a reasonable inference that the defendant is probably involved in criminal activity and that evidence of the crime can be found at the place to be searched.” Thein, 138 Wn.2d at 140. An “affidavit in support of a search warrant must be based on more than mere suspicion or personal belief that evidence of a crime will be found on the premises searched.” Neth, 165 Wn.2d at 183. “[C]riminal activity alone does not create probable cause to search a defendant’s residence.” State v. Espey, 184 Wn. App. 360, 371, 336 P.3d 1178 (2014). Alone, broad generalizations do not establish probable cause. Thein, 138 Wn.2d at 148-49.

Moreover, probable cause requires an adequate connection, or “nexus,” between the criminal activity, items to be seized, and the place to be searched. Id. at 140. “Absent a sufficient basis in fact from which to conclude evidence of illegal activity will likely be found at the place to be searched, a reasonable nexus is not established as a matter of law.” Id. at 147.

Detective Christiansen authored the affidavit in support of the search warrant. Ex. 3. In the affidavit, Detective Christiansen began by

stating that he had searched the premises over a year before in February 2013 pursuant to a search warrant and recovered evidence indicative of identity theft. Ex. 3 at 3. This led to charges against Mr. Dacome and Mr. Felipe, who were found inside the home at that time. Ex. 3 at 3.

Detective Christiansen then recounted the surveillance of the premises on the afternoon of March 18, 2014. Ex. 3 at. 3. Police were seeking to arrest Mr. Dacome and Mr. Felipe, who had outstanding warrants. Ex. 3 at. 3. His report outlined the pursuit of Mr. Felipe and the unknown male, later identified as Mr. Bumanglag, after the two left through the front door of the residence and drove away in a Honda. Ex. 3 at 3-4. He stated that Mr. Bumanglag's wallet, searched incident to his arrest, contained Mr. Bumanglag's Social Security card with the last four digits scratched out, a bank deposit slip bearing the name of Larina Cooper, and a piece of paper with a handwritten nine digit number. Ex. 3 at 4. Detective Christiansen learned through dispatch that the handwritten number corresponded to Labinot Hasani's Social Security number and that Mr. Hasani's information had been fraudulently used in January 2014 at a Best Buy. Ex. 3. at 4. He was unable to contact Ms. Cooper. Ex. 3 at 4.

Detective Christiansen stated that about an hour after Mr. Bumanglad's arrest, another officer saw Mr. Dacome and Ms. Tacardon leave the residence and walk to a nearby 7-Eleven. Ex. 3 at 4. Police

arrested both Mr. Dacome and Ms. Tacardon inside the 7-Eleven under outstanding warrants and searched them. Ex. 3 at 4. Police found a partial piece of a Discover Card financial document inside Ms. Tacardon's pocket bearing the name of Angelina Iley. Ex. 3 at 4. Detective Christiansen was unable to contact Ms. Iley. Ex. 3 at 4.

Based on these facts, and his training and experience that personal and financial information are used to commit identity theft by opening up accounts in person and online, Detective Christiansen conclusorily stated "there is sufficient evidence that the crimes of Identity theft 2<sup>nd</sup> degree have occurred and that evidence of the crimes are currently located inside the premises." Ex. 3 at 5. A judge granted the request for the search warrant, authorizing police to seize, among other things, all items bearing personal and financial information, and documents of "dominion and control." Ex. 3 at 6-7.

This search warrant presents a similar "nexus" problem as in Thein, the leading Washington case on the issue. In Thein, police obtained a search warrant for the defendant's home. Thein, 138 Wn.2d at 139-40. Earlier the police had searched a different home and discovered evidence of a marijuana grow operation. Id. at 136. In this home, police found items addressed to the defendant at a different house that police later searched. Id. at 136-37. Our Supreme Court rejected the State's

argument that a nexus is necessarily established “where there is sufficient evidence to believe a suspect is probably involved in drug dealing and the suspect resides at the place to be searched.” Id. at 141. The Court further held that the officers’ generalized statements of belief that drug dealers store contraband in their homes was insufficient to establish probable cause. Id. at 147-48.

Here, the nexus is insufficient for an even more fundamental reason than in Thein. The affidavit did state who resided at the premises. Ex. 3. It did not assert that Mr. Bumanglag or any of the other three named individuals seen leaving the premises (Mr. Dacome, Mr. Felipe, and Ms. Tacardon) resided there. While police observed Mr. Bumanglag and the others leave the premises the afternoon of March 18, 2014, this did not make it probable that it was their residence, let alone that there was evidence of identity theft there. Thus, that evidence indicative of possible identity theft was found on Mr. Bumanglag (and possibly Ms. Tacardon) did not establish that evidence of identity theft would be found at these premises. Cf. Bouch v. State, 143 P.3d 643, 649 (Wyo. 2006) (“affidavit did not indicate why the officer believed that the items to be seized would be located at [address] or even that [defendant] had a connection with the given address.”); United States v. Rose, 714 F.3d 362, 366 (6th Cir. 2013) (“affidavit did not provide a link between the property and [defendant].”).

Even ignoring this problem, Detective Christiansen's conclusory assertion that, from his "training and experience," "suspects possess personal and financial information" is inadequate to establish the required nexus. Such broad, generic generalizations do not establish probable cause. Thein, 138 Wn.2d at 148-49.

As for the fact that evidence of identity theft was located at the premises in February 2013, this did not supply probable cause to believe that there would be evidence of identity theft in March 2014. Too much time had passed. See State v. McReynolds, 104 Wn. App. 560, 569, 17 P.3d 608 (2000) (in situations where a person obtained property, "the question is whether, assuming a not too long passage of time since the crime, it is proper to infer that the criminal would have the fruits of his crime in his residence, vehicle or place of business.") (emphasis added) (quoting Wayne R. Lafave, Search and Seizure, § 3.7(d), at 381-84 (3d ed.1996)). Additionally, the two suspects arrested on the premises in February 2013 were Mr. Dacome and Mr. Felipe, not Mr. Bumanglag or Ms. Tacardon. Thus, this fact did supply probable cause to believe that evidence of identity theft would be found at the premises.

This case can be contrasted with State v. G.M.V., 135 Wn. App. 366, 372, 144 P.3d 358 (2006). There, police conducted controlled drug buys from a man. Id. at 369. They saw the man leave a house, go to the

buy location, and return to the house. This was sufficient to establish probable cause to believe that the man kept drugs in the house. Id. at 372. Unlike in G.M.V., police did not observe anyone leave the residence, conduct an illegal transaction, and then return to the residence.

**d. Because a motion to suppress would have likely been granted, the defendant was prejudiced by counsel's deficient performance.**

The prejudicial effect of counsel's error is viewed against the backdrop of the evidence in the record. State v. Hendrickson, 129 Wn.2d 61, 80, 917 P.2d 563 (1996). When the record demonstrates a motion to suppress material evidence would likely be granted, the failure to move for suppression is prejudicial. State v. Rainey, 107 Wn. App. 129, 136, 28 P.3d 10 (2001).

Here, the record shows that the evidence obtained from the search warrant would have been excluded if defense counsel had moved to suppress. Without this evidence, the State would have been unable to support the five identity theft counts premised on the documents found in the residence. CP 12-16 (amended information); 3RP 112-14, 119-20 (closing arguments). It is also reasonably probable that the outcome on the first count of identity theft (count two), which was premised on the evidence found on Mr. Bumanglag's person, would have been different. CP 11. The documents from the residence were used to show that Mr.

Bumanglag had criminal intent. 3RP 112, 119-20. Thus, the prejudice affected all the counts of identity theft. All six identity theft convictions should be reversed.

**e. The defendant had standing to challenge the search of the room that the State maintained he was living in and the seizure of the documents which the State maintained he possessed.**

The State might be tempted to argue that Mr. Bumanglag lacked standing to challenge the search of the premises and the seizure of the evidence. The State's theory of the case, however, was that Mr. Bumanglag lived in the room in the outbuilding where the evidence was seized. See, e.g., 3RP 118 ("but the defendant's bedroom was different. It was more clean, it was more kept up."). The State maintained that Mr. Bumanglag had "dominion and control" over the documents in this room. 3RP 118; CP 65 (instruction defining possession). Because Mr. Bumanglag appeared to be residing there, he had standing. Cf. State v. Francisco, 107 Wn. App. 247, 253, 26 P.3d 1008 (2001) (defendant did not have standing to challenge search of his mother's house).

Further, Mr. Bumanglag had "automatic standing," which requires that possession be an essential element and that the defendant possessed the evidence at the time of search or seizure. State v. Evans, 159 Wn.2d 402, 407, 150 P.3d 105 (2007). An essential element of identity theft is



that the defendant knowingly obtained, possessed, used, or transferred a means of identification or financial information of another person. RCW 9.35.020(1); CP 59-64 (“to-convict” instructions). Indeed, the State’s theory during closing was that Mr. Bumanglag possessed the documents seized from the backpack in the bedroom. 3RP 119 (“The defendant was in possession of this backpack. He was in possession of these items.”).

Thus, this Court should reject any argument by the State that Mr. Bumanglag lacked standing to challenge the search of the premises.

**2. The defendant’s bare possession of a written number was insufficient to prove beyond a reasonable doubt that he committed identity theft in the second degree.**

**a. The State bears the burden of proving all the elements of an offense beyond a reasonable doubt.**

Constitutional due process requires the State prove every element of the offense beyond a reasonable doubt. In re Winship, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970); U.S. Const. amend. XIV; Const. art I, § 3. Evidence is sufficient to support a determination of guilt only if a rational trier of fact, viewing the evidence in the light most favorable to the State, could have found guilt beyond a reasonable doubt. Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979); State v. Green, 94 Wn.2d 216, 220-22, 616 P.2d 628 (1980). Only reasonable inferences are drawn in favor of the State. Jackson, 443 U.S. at

319. “[I]nferences based on circumstantial evidence must be reasonable and cannot be based on speculation.” State v. Vasquez, 178 Wn.2d 1, 16, 309 P.3d 318 (2013). This “standard of review is . . . designed to ensure that the fact finder at trial reached the ‘subjective state of near certitude of the guilt of the accused,’ as required by the Fourteenth Amendment’s proof beyond a reasonable doubt standard.” State v. Rich, \_\_\_ Wn. App. \_\_\_, 347 P.3d 72, 77 (2015) (quoting Jackson, 443 U.S. at 315).

**b. Identity theft requires proof that the defendant knew the means of identification belonged to another person.**

Mr. Bumanglag was convicted of six counts of identity theft in the second degree. This offense includes a mental element of knowledge:

(1) No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any crime.

(2) Violation of this section when the accused or an accomplice violates subsection (1) of this section and obtains credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value shall constitute identity theft in the first degree. Identity theft in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(3) A person is guilty of identity theft in the second degree when he or she violates subsection (1) of this section under circumstances not amounting to identity theft in the first degree. Identity theft in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

RCW 9.35.020. Construing this provision, this Court recently held that the State must prove that the defendant knew the means of identification belonged to another person. State v. Felipe Zeferino-Lopez, 179 Wn. App. 592, 596, 319 P.3d 94 (2014).

Applying this rule, this Court held that the State failed to prove that the defendant knew the Social Security number in his possession belonged to another person. Id. at 600. The Social Security card on which the number appeared belonged to a real person, but it listed the defendant's name, not the owner's. Id. The evidence only showed that the defendant had bought the card so that he could work in the United States and had used it openly. Id.

**c. The evidence failed to prove that the defendant knew that the Social Security number in his possession belonged to another person. The identity theft conviction premised on this evidence should be reversed and dismissed.**

The first count of identity theft in the second degree, count two, was premised on Mr. Bumanglag's possession of a handwritten number on a scrap of paper found on his person. CP 11; Ex. 14; 3RP 109-10. This number corresponded to Labinot Hasani's Social Security number. 1RP 193. Mr. Hasani's name, however, was not found on any of the evidence admitted at trial. See, e.g., Ex. 5, 14. While there was evidence that

unauthorized accounts had been opened in Mr. Hasani's name, there was not proof that Mr. Bumanglag was responsible. 1RP 191-92.

Consistent with Zeferino-Lopez, the jury was instructed that it had to find beyond a reasonable doubt that Mr. Bumanglag knew the means of identification (here a Social Security number) belonged to another person. CP 59. The State theorized during closing that Mr. Bumanglag must have known that the number belonged to another person because of the "nature of Social Security numbers themselves." 3RP 110. But the unique "nature" of the Social Security number in Zeferino-Lopez, which was on an actual card with the defendant's name, was not enough to sustain the conviction there. Here, there is not even evidence on how Mr. Bumanglag came into possession of the number. It was handwritten on a scrap of paper, not printed on some kind of official document. As in Zeferino-Lopez, the State failed to prove that Mr. Bumanglag knew the means of identification belonged to another person.

The conviction of identity theft premised on this social security number (count two) should be reversed for insufficient evidence and dismissed with prejudice. Burks v. United States, 437 U.S. 1, 11, 98 S. Ct. 2141, 57 L. Ed. 2d 1 (1978) (reversal for insufficient evidence requires dismissal of the charge with prejudice).

**3. The evidence was insufficient to prove beyond a reasonable doubt that the defendant was guilty of taking a motor vehicle without permission in the second degree.**

**a. To be guilty of taking a motor vehicle without permission in the second degree as a passenger, the passenger must voluntarily ride in the vehicle knowing it was unlawfully taken.**

A passenger in a car is guilty of taking a motor vehicle without permission in the second degree if the passenger voluntarily rode in the vehicle and knew it was stolen:

A person is guilty of taking a motor vehicle without permission in the second degree if he or she, without the permission of the owner or person entitled to possession, intentionally takes or drives away any automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, that is the property of another, or he or she voluntarily rides in or upon the automobile or motor vehicle with knowledge of the fact that the automobile or motor vehicle was unlawfully taken.

RCW 9A.56.075(1). As stated in the “to-convict” instruction, the State was required to prove “[t]hat at the time of the riding the defendant knew that the motor vehicle was unlawfully taken.” CP 54.

**b. The State failed to prove that the defendant voluntarily rode in the vehicle, knowing it was stolen.**

In L.A., this Court held the evidence was insufficient to prove the knowledge element beyond a reasonable doubt. State v. L.A., 82 Wn. App. 275, 277, 918 P.2d 173 (1996). There, a juvenile driver was stopped by police in a stolen vehicle. Id. at 276. The vehicle had a broken rear

wing window. Id. Though the driver was in possession of the vehicle, the Court held that absent corroborative evidence, like a damaged ignition, an improbable explanation to police, or fleeing when stopped, the evidence was insufficient to prove that the driver knew the vehicle was taken unlawfully. Id.

In contrast, in Womble, the Court held the evidence was sufficient to prove that a passenger had knowledge. State v. Womble, 93 Wn. App. 599, 605, 969 P.2d 1097 (1999). There, in the early hours of morning, a resident heard her car's engine revving outside. Id. at 601. She had left the keys in the ignition. Id. Seeing that the car had moved about 30 to 40 feet, she confronted the two people in the car, a female driver and a male passenger. Id. The woman in the driver's seat left on foot, followed by the passenger. Id. At trial, the passenger gave an improbable story that he believed the car was his female friend's car, despite having to walk a half-mile to get to the car. Id. at 605. Given this improbable testimony and the passenger's flight from the scene, the evidence was sufficient to conclude that the passenger rode in the car knowing it was unlawfully taken. Id.

In contrast, during daylight hours, Officer Grannis saw Mr. Felipe and Mr. Bumanglag, who was carrying a backpack, walk from the driveway of the residence to the car, which was parked nearby. 2RP 137. Mr. Felipe got into the driver's seat and Mr. Bumanglag got into the

passenger seat. 2RP 82-83, 85, 132. Because the car started up right away, Officer Grannis believed a key must have been used. 2RP 175. When police tried to stop the vehicle, Mr. Felipe did not abide by Officer Schaffer's signal to stop. 2RP 76. Shortly thereafter, police located the vehicle. 3RP 18-19. The car did not appear to be damaged. Ex. 7; 1RP 15. A "shaved" key, which had a Chevrolet logo, was protruding slightly in the ignition. 1RP 181-82; Ex. 7. Inside the backpack, which Mr. Bumanglag was earlier seen carrying before he got in the car, was the vehicle registration with the owner's name. 1RP 183-84. After being told about two men running, Officer Schaffer found Mr. Bumanglag standing in the parking lot of a nearby gas station and arrested him. 2RP 78, 82. Upon his arrest, Mr. Bumanglag said he did not know that the car was stolen. 2RP 84.

Unlike Womble, this evidence was insufficient to prove beyond a reasonable doubt that the passenger voluntarily rode in the vehicle knowing that it had been unlawfully taken. The car did not appear damaged. It was not in someone else's driveway. It was the middle of the afternoon. The car started up immediately and unless one was looking carefully, a passenger would not notice anything unusual about the key. Though the vehicle registration was in the backpack, Mr. Bumanglag was only seen carrying the backpack. It is unreasonable to infer from this that

Mr. Bumanglag knew Mr. Felipe did not have permission to use the vehicle.

As for Mr. Bumanglag leaving the car, it must be recalled that Mr. Bumanglag, as the passenger, was not in possession of the car. State v. Plank, 46 Wn. App. 728, 733, 731 P.2d 1170 (1987). Possession of the car, plus flight, might have been sufficient to show knowledge, but Mr. Bumanglag was not in possession. Mr. Bumanglag's leaving the car only shows that he learned the car was stolen after the driver tried to elude police. Not wanting to be associated with the driver's wrongdoing or remain in a stolen vehicle, he left the scene. When confronted, Mr. Bumanglag did not run and reasonably explained that he had not known the car was stolen. From this evidence, it cannot be reasonably inferred that that Mr. Bumanglag knew the car was stolen when he decided to ride in it.

Because the evidence did not prove that Mr. Bumanglag knew that the car was unlawfully taken when he got into the passenger seat, the conviction should be reversed and dismissed.

## **F. CONCLUSION**

Mr. Bumanglag was deprived of his constitutional right to effective assistance of counsel. This deprivation was prejudicial as to all the convictions for identity theft, requiring their reversal. The conviction for



taking a motor vehicle in the second degree and one of the convictions for identity theft (count two), should be dismissed for insufficient evidence.

DATED this 14th day of July, 2015.

Respectfully submitted,

s/ Richard W. Lechich  
Richard W. Lechich – WSBA #43296  
Washington Appellate Project  
Attorney for Appellant

# Appendix A

03/19/2014 WED 8:18 FAX

03/18/2014 TUE 19:26 FAX

005/009

002/009

FILED  
MAR 18 2014  
South Div - Burlen  
King County District Court

KING COUNTY DISTRICT COURT BELLEVUE DIVISION

STATE OF WASHINGTON )  
 )  
COUNTY OF KING )

NO. W-BE P0000 3168  
AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath states: I believe that:

( X ) Evidence of the crime(s) of:

1. Identity theft 2<sup>nd</sup> degree R.C.W. 9.35.020

( X ) Contraband, the fruits of a crime, or things otherwise criminally possessed, and

( ) Weapons or other things by means of which a crime has been committed or reasonably appears and to be committed, and

( X ) A person for whose arrest there is probable cause, or who is unlawfully restrained is/are located in, on, or about the following described premises, vehicle or person:

Premises:

7319 16<sup>th</sup> Avenue S.W.

This is a single story residence located on the west side of 16<sup>th</sup> Avenue S.W. The numbers "7319" are affixed in blue-colored numbers in vertical fashion on a wooden mailbox post located on the northeast corner of the property adjacent to the driveway. The residence is a single story structure with creme-colored siding and maroon-colored trim. The roof is a gray-colored composite roof. There is a black-colored metal locking security screen attached over the exterior of the north facing front door. The premises is located in the City of Seattle, County of King, State of Washington.

The premises includes all locked and unlocked containers and storage devices located inside and outside the residence as well as on the property of the premises. The premises also includes all outbuildings on the property, including but not limited

Affidavit for Search Warrant (Continuation)

to a single story stand-alone, multi-color structure with a gray-colored composite roof that is visible in the back yard from 16<sup>th</sup> Avenue S.W.

Vehicle:

1. Beige-colored 1993 Honda Accord coupe, V.I.N. 1HGCB7271PA022427

The vehicle currently bears Washington license AGT5853. Washington Department of Licensing records show the vehicle was stolen in Seattle on 3-16-2014. The victim and registered owner of the vehicle is Nathan Riss of Seattle at 6511 48<sup>th</sup> Avenue N.E.

The search of the vehicle includes all locked and unlocked containers inside and on the vehicle.

My belief is based on the following facts and circumstances:

Your affiant states:

My name is Jeffrey K. Christiansen. I am a Detective for the City of Bellevue Police Department. I have been a police officer for over fifteen years. I have been assigned to the Special Enforcement Team for nine years. The Special Enforcement Team focuses on reducing high impact community crimes, including auto theft, burglary, identity theft, and narcotics-related offenses. I have completed 440 hours of basic law enforcement training at the Washington State Criminal Justice Training Center (W.S.C.J.T.C.) I have completed additional specialized training including, but not limited to, interview and interrogation, investigations, narcotics, auto theft and auto-related crimes, undercover operations, and Special Weapons And Tactics.

I have been involved in more than 300 criminal investigations, including cases involving theft of stolen vehicles, possession of stolen vehicles, trafficking in stolen property, possession of stolen property, vehicle prowling, and other crimes frequently associated with auto-related crimes, including possession, manufacture, and distribution of methamphetamine, firearms violations, identity theft, and fraud. I have conducted investigations where I prepared and participated in the service of search warrants for the above-listed crimes. I have arrested hundreds of suspects involved in these crimes.

Investigation:

Affidavit for Search Warrant

Page 2 of 5

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Affidavit for Search Warrant (Continuation)

On 02-27-2013 I assisted with a search warrant at the above-listed address of 7319 16<sup>th</sup> Avenue S.W. in the City of Seattle. During the search of the residence, I recovered more than one hundred items of evidence associated with Identity theft, including dozens of stolen and/or fraudulently obtained credit cards, driver's licenses, social security cards, and checks. Based on the evidence I recovered, the King County Prosecutors Office filed criminal charges against multiple suspects located inside the residence during the time of the search warrant. Two of the suspects were Eljohn Dacome and Jason Felipe. Dacome and Felipe failed to appear in court and felony warrants were subsequently issued and entered into W.A.C.I.C./N.C.I.C. Felipe had a felony warrant with \$10,000 bail, warrant number 131019571, entered on 09-17-2013 for three counts of Identity theft 2<sup>nd</sup> degree by the King County Sheriff's Office. Dacome had a felony warrant with \$5095 bail, warrant number 13C019589, entered on 07-23-2013 for Theft 2<sup>nd</sup> degree by the King County Sheriff's Office.

On the afternoon of 3-18-2014 I verified that Felipe and Dacome still had felony warrants out for their arrest. Bellevue police officers G. Olliden, G. Grannis, B. Schafer, and I responded to the area of 7319 16<sup>th</sup> Avenue S.W. to conduct surveillance to see if we could locate Felipe and Dacome. At approximately 1450 hours Officer Olliden saw Dacome exit the front door of the home and walk out of his view toward the back yard, where a small living structure is located. At 1500 hours, I saw Dia Tacardon, who I have arrested on multiple prior occasions, exit the front door of the home and also walk out of my view toward the back yard. I ran Tacardon through W.A.C.I.C./N.C.I.C. and discovered she had a felony warrant with no bail, warrant number 13W0098584, entered on 06-08-2013 for Escape community custody stemming from two counts of V.U.C.S.A. entered on 06-08-2013.

At approximately 1615 hours Officer Grannis saw Felipe and an unknown male exit the front door of the residence. Felipe was carrying a camera in his left hand and was carrying a black-colored satchel over his right shoulder. The unknown male was carrying an orange-colored backpack over his right shoulder. They both walked northbound on 16<sup>th</sup> Avenue S.W. then eastbound on Othello. Officer Grannis observed Felipe and the unknown male enter the driver and front passenger door, respectively, of a beige-colored Honda Accord, WA#AGT5853. The Honda was reported stolen to Seattle P.D. on 03-16-2014 (Seattle P.D. case 14-81896). Felipe and his passenger, later positively identified as Allen Bumanglag, began traveling in a southeast direction in the stolen Honda. Officer Olliden followed them in an unmarked vehicle until Officer Schafer, who was driving a fully marked police vehicle equipped with emergency lights and a siren, pulled directly behind the vehicle in the 700 block of Highland Parkway S.W. Officer Schafer activated his vehicle's emergency lights and siren to attempt to conduct a traffic stop on Felipe and Bumanglag in the stolen vehicle, however Felipe refused to pull over. Felipe turned onto southbound 2<sup>nd</sup> Avenue and quickly accelerated to an estimated 60 miles per hour in a marked 35 mile per hour zone. Due to Felipe's failure to yield and reckless driving Officer Schafer turned off his emergency equipment. Approximately one second later Officer Schafer observed Felipe drive through a red light at high speed at the intersection of 2<sup>nd</sup> Avenue S.W. and West Marginal Way S.W.

Affidavit for Search Warrant

Page 3 of 5

ROUTING: WHITE -Court File, YELLOW - Police File, PINK-Judge's Copy

Affidavit for Search Warrant (Continuation)

A civilian flagged down Officers Schafer and Oliden near 7739 1st Avenue S.W. The civilian pointed out the stolen Honda and told Officer Schafer he saw two males run southwest after they abandoned the stolen vehicle. Officers Schafer and Oliden traveled southwest and reached a Shell station approximately 100 yards away, where additional civilians pointed out Bumanglag and said he had just run into the Shell station parking lot with another male. Officer Schafer recognized Bumanglag as the passenger of the stolen vehicle due to his physical characteristics and clothing. Officer Schafer placed Bumanglag under arrest for Possession of a stolen motor vehicle and Obstructing. Officer Schafer searched Bumanglag incident to arrest. He removed a wallet from Bumanglag's pants pocket. The wallet contained Bumanglag's social security card with the number 575-94 with the last four digits scratched out. Bumanglag's wallet also contained a piece of paper with a handwritten social security number of 533-43-1607 as well as a Chase Bank deposit ticket bearing the name and address of Larina Cooper at 400 Wall Street #314 in Seattle. Bellevue Dispatch personnel ran the social security number through D.A.P.S., the Washington Driver And Plate Search, and determined the social security number belongs to Labinot \* Hasani, date of birth 02-06-1984. I discovered that Hasani's wife, Qendresa Hasani, contacted Bellevue P.D. on 01-17-2014 and reported that unknown suspect(s) used Labinot Hasani's personal information to fraudulently open an account at Verizon Wireless inside the Best Buy store in Bellevue on 01-07-2014. The suspect(s) purchased two Apple brand iPhones and opened two lines of cell service. Qendresa stated she did not know how the suspect(s) obtained her husband's personal information other than the fact that she and her husband put their discarded mail into their Bellevue home's recycle and garbage bins. Qendresa stated neither she nor her husband gave any persons permission to fraudulently use Labinot Hasani's personal information to commit identity theft. (Bellevue P.D. case 14-2813).

At the time of this search warrant preparation I have been unable to contact Larina Cooper.

At approximately 1715 hours Officer Grannis observed Tacardon and Dacome exit the front door of the residence and walked southbound on 16<sup>th</sup> Avenue S.W. Officer Grannis followed them and saw them enter the 7 Eleven at 1600 S.W. Holden Street. Officers Grannis and Oliden, wearing police markings, contacted Tacardon and Dacome inside the 7 Eleven. They placed both of them under arrest for their felony warrants. Officer Oliden confirmed the warrants. Officers Oliden and Grannis then searched Dacome and Tacardon, respectively, incident to arrest. Officer Grannis recovered a partial piece of a DiscoverCard financial document inside Tacardon's pants pocket. The document bore the name Angelina Iley. Bellevue Dispatch personnel ran the name through D.A.P.S. and determined she is Angelina \* Iley, date of birth 08-08-1965. At the time of this search warrant preparation I have been unable to contact Iley.

I know from my training and experience, which includes the service of dozens of criminal investigations and search warrants involving identity theft, that suspects possess personal and financial information such as other persons names, social security numbers,

Affidavit for Search Warrant

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ROUTING: WHITE -Court File, YELLOW - Police File, PINK-Judge's Copy

Affidavit for Search Warrant (Continuation)

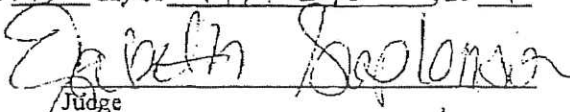
and bank account information, for the purpose of committing identity theft by fraudulently opening accounts in other persons names both in person and online.

Based on the above-listed facts I believe there is sufficient evidence that the crimes of Identity theft 2<sup>nd</sup> degree have occurred and that evidence of the crimes are currently located inside the premises at 7319 16<sup>th</sup> Avenue S.W. in the City of Seattle, County of King, State of Washington and the 1993 Honda Accord, WA#AGT5853, currently stored at the Bellevue police department.

  
Affiant

BELLEVUE P.D. DETECTIVE #337  
Agency, Title and Personnel Number

Subscribed and sworn to before me this 15<sup>TH</sup> day of MARCH, 2014

  
Judge

Application for Search Warrant Approved:  
DANIEL T. SATTERBERG  
King County Prosecuting Attorney

By: DARREN THOMPSON, WSBA# 42940  
Deputy Prosecuting Attorney





Vehicle:

1. Beige-colored 1993 Honda Accord coupe, V.I.N. 1HGCB7271PA022427

The vehicle currently bears Washington license AGT5853. Washington Department of Licensing records show the vehicle was stolen in Seattle on 3-16-2014. The victim and registered owner of the vehicle is Nathan Riss of Seattle at 6511 48<sup>th</sup> Avenue N.E.

The search of the vehicle includes all locked and unlocked containers inside and on the vehicle.

The vehicle is currently stored at the Bellevue police department secure facility.

2. Seize, if located, the following property or person(s):

Property from 7319 16<sup>th</sup> Avenue S.W.:

- A. All computers and computer accessories, including laptop computers, desktop computers and monitors, electronic storage devices including portable storage devices, and magnetic and electronic data storage media, digital cameras, and digital images.
- B. All computer software, blank check stock, and magnetic ink.
- C. scanners, printers, laminators, laminate stock, paper card stock, laminate sleeves, laminate sheets, paint, trimmers, whiteout, scissors, paper cutters, and shredders.
- D. All items, documents, or property bearing persons' handwritten or printed names and/or personal and/or financial information.
- E. All fraudulent materials and items used to create fraudulent materials.
- F. All U.S. currency deemed proceeds from identity theft.
- G. Documents of dominion and control.

Property from beige-colored 1993 Honda Accord, WA#AGT5853:

A. Black-colored satchel and camera carried into vehicle by Felipe and orange-colored satchel carried into vehicle by Bumanglag

B. Documents of dominion and control.

3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from who or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date/Time

3/18/14  
7:41 PM

Judge

*Evelyn Sadler*  
Printed or Typed Name of Judge

Search Warrant  
Page 3 of 3

ROUTING: WHITE - Court File, YELLOW - Police File, PINK Judge's Copy



BELLEVUE DISTRICT COURT FOR KING COUNTY

STATE OF WASHINGTON ) NO. W-BEP00003168  
 )  
COUNTY OF KING ) **INVENTORY AND RETURN OF SEARCH WARRANT**

1. I received a search warrant for the premises, vehicle or person specifically described as follows:

7319 16 AVE S.W.  
SEATTLE WA

2. On the 18 day of MARCH, 2014, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.

3. Name(s) of person(s) present when the property was seized:  
DET. J. CHRISTIANSEN, OFC. G. WIDEN, OFC. R. SMITH,  
OFC. G. GRANMIS

4. The inventory was made in the presence of:

- The person(s) named in (3) from whose possession the property was taken.
- Others: ON-SCENE OFFICERS

5. Name of person served with a copy or description of place where copy is posted:

DINING ROOM TABLE

6. Place where property is now stored: BPD EVIDENCE

(Continued on next page)

Inventory and Return of Search Warrant (continued)

7. Property and person(s) seized: (Indicate location of property when seized):

SEE ATTACHED

Dated: 3-18-14

 #337  
Signature of Peace Officer

BELLEVUE PD #337  
Agency and Personnel Number

DET. JEFF CHRISTENSEN #337  
Printed or Typed Name

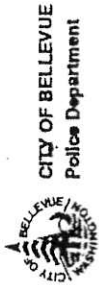
If you have questions or concerns about this warrant or property seized, call (425) 452-6917 and ask to speak to the supervisor of the Peace Officer that signed this document.

To contest the seizure or retention of the above property, you may file a written **Motion for Return of Property** with the Court that issued the search warrant and serve a copy of your Motion on the Bellevue Police Department, Office of the Chief of Police. Please attach a copy of this **Inventory and Return of Search Warrant** to your written Motion for Return of Property to help the Court locate the proper file. Your Motion for Return of Property will be heard by the Court at a date and time set by the court clerk. See Washington Court Rules CrRLJ 2.3(e)(1) through (3) and CrR 2.3(e).

Inventory and Return  
Page 2 of 2

Search Warrant NCR Form.doc  
8/26/03

DISTRIBUTION: WHITE - Court File; YELLOW - Police File; PINK - Left at Premises Searched



**SEARCH WARRANT  
EVIDENCE RECORD AND WORKSHEET**

Date 3-10-14 Offense IS FINE Search Warrant # W-BEP00003168 Case # 14-12899

Location of Premises Searched 7319 16 AVE SW SEATTLE

Item No.	Object	Location	Gathered By	Time
JKE 1	RED BACKPACK CONTAINING	-RND W EAST BEDROOM	337	2245
	ALAN BUMANGLAG'S DCS AS WELL AS FINANCIAL DCS,	OF OUTBUILDING		
	D.C.S., C.C.S, AND HAND-WRITTEN PERSONAL INFO OF MULTIPLE PERSONS			
JKE 2	MULTIPLE ITEMS OF DCS BELONGING TO ALAN BUMANGLAG	-RND TRINAMONT EAST BEDROOM OF OUTBUILDING	337	2245
JKE 3	MULTIPLE ITEMS OF DCS BELONGING TO EUGEN DACOME	-RND STOREROOM CENTRAL BEDROOM OF OUTBUILDING	337	2245
JKE 4	MULTIPLE FINANCIAL DCS OF MULTIPLE PERSONS	-RND WASH BED RM CENTRAL BEDROOM OF OUTBUILDING	337	2245
JKE 5	LAPTOP BAG WITH 2 LAPTOPS	-RND WASH DRESS RM CENTRAL BEDROOM OF OUTBUILDING	337	2245
JKE 6	DISC OF EUGEN DACOME AND C.C. APPLICATION FOR TRAVIS J. PETER'S	-RND W GARAGE BAG IN CENTRAL BEDROOM OF OUTBUILDING	337	2245
JKE 7	IPAD	IN WEST BEDROOM OF OUTBUILDING	337	2245



CITY OF BELLEVUE  
Police Department

SEARCH WARRANT  
EVIDENCE RECORD AND WORKSHEET

Date 3-18-14 Offense TO THEFT Search Warrant # W-BE-P00003168 Case # 14-12099

Location of Premises Searched 779 16 AVE SW, SEATTLE

Item No.	Object	Location	Gathered By	Time
JFC 8	VISA CARD BENJIKO NAME VERONICA ABADA	IN JACKET POCKET IN CIVILIAN ROOM OF OUTBUILDING	337	2245



CITY OF BELLEVUE  
Police Department

SEARCH WARRANT  
EVIDENCE RECORD AND WORKSHEET

Date 3-18-14 Offense ID Troth Search Warrant # W-BEPO0003160 Case # 14-12899

Location of Premises Searched 7319 16 Ave SW Seattle

Item No.	Object	Location	Gathered By	Time
BSS-1	Multiple financial and personal papers	Front house bedroom desk	447	2245
	Items	top drawer		
BSS-2	Mu.1 for Felipe	"	447	2245
BSS-3	Kyocera cell phone	Front house bedroom	447	2245
BSS-4	Tan purse with registration	Front house hallway out	447	2255
		side of bedroom		

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

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STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	NO. 73035-5-I
v.	)	
	)	
ALLEN BUMANGLAG,	)	
	)	
Appellant.	)	

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 14<sup>TH</sup> DAY OF JULY, 2015, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X] KING COUNTY PROSECUTING ATTORNEY	( )	U.S. MAIL
[paoappellateunitmail@kingcounty.gov]	( )	HAND DELIVERY
APPELLATE UNIT	(X)	AGREED E-SERVICE
KING COUNTY COURTHOUSE		VIA COA PORTAL
516 THIRD AVENUE, W-554		
SEATTLE, WA 98104		
[X] ALLEN BUMANGLAG	(X)	U.S. MAIL
310578	( )	HAND DELIVERY
LARCH CORRECTIONS CENTER	( )	_____
15314 DOLE VALLEY RD		
YACOLT, WA 98675		

**SIGNED** IN SEATTLE, WASHINGTON THIS 14<sup>TH</sup> DAY OF JULY, 2015.

X \_\_\_\_\_ 

**Washington Appellate Project**  
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Seattle, WA 98101  
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