

Nº. 50156-2-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON
Respondent,

v.

NICHOLAS P. BAJARDI,
Appellant.

OPENING BRIEF OF APPELLANT

Appeal from the Superior Court of Thurston County,
Cause No. 16-1-01896-7
The Honorable James J. Dixon, Presiding Judge

Reed Speir
WSBA No. 36270
Attorney for Appellant
3800 Bridgeport Way W., Ste. A #23
(253) 722-9767

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A. ASSIGNMENTS OF ERROR

1. The trial court erred in admitting evidence of Ms. Roblin's driver's license record.
2. The State presented insufficient evidence to convict Mr. Bajardi of violation of a no-contact order.
3. The Court of Appeals should decline to impose appellate costs, should Respondent substantially prevail and request such costs.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Did the trial court abuse its discretion in admitting Ms. Roblin's driver's license record as business records or public records? (Assignment of Error No. 1)
2. Did the State present sufficient evidence to convict Mr. Bajardi of violating a no-contact order where the evidence introduced by the State did not establish that the person Mr. Bajardi was seen with was the party protected by the no-contact order? (Assignment of Error No. 2)
3. If the state substantially prevails on appeal and makes a proper request for costs, should the Court of Appeals decline to impose appellate costs because Mr. Bajardi is indigent, as noted in the Order of Indigency? (Assignment of Error No. 3)

C. STATEMENT OF THE CASE

Factual and Procedural Background

On November 2, 2016, Tumwater Police Officers Charles Lett and Jacob Rodrigues responded to a report of a suspicious vehicle possibly

trespassing on wooded property near a power line road.¹ The officers contacted the individual who had called the police, and the individual pointed in the direction the suspicious vehicle had gone up the power line road.²

Officers Lett and Rodriguez continued up the power line road until they heard the voices of a man and a woman.³ The officers could not see the people speaking, but saw the outline of a van through the bush.⁴ The officers split up with Officer Lett continuing up the road and Officer Rodriguez going through the bush towards the front of the van.⁵ Officer Lett came around a corner and clearly saw a van and a man standing in front of the van.⁶ Officer Rodriguez also saw the man standing 5-10 feet in front of the van but stayed in the bush until Officer Lett made his presence known.⁷

Officer Lett announced his presence then contacted a woman who was in the front passenger seat of the van.⁸ When Officer Lett made his presence known, Officer Rodriguez stepped out of the bush and the man at the front of the van started walking away from the van but stopped when

¹ RP 46-49, 65-67.

² RP 49, 67-68.

³ RP 49-50, 68-69.

⁴ RP 51, 69.

⁵ RP 51, 68-69.

⁶ RP 51-52.

⁷ RP 70-71.

⁸ RP 52, 71.

he saw Officer Rodriguez.⁹

Officer Rodriguez spoke with the man while Officer Lett spoke with the woman.¹⁰ Officer Lett asked the woman to identify herself.¹¹ Officer Lett finished speaking with the woman and approached Mr. Bajardi and Officer Rodriguez.¹² Based on what Officer Lett had learned from the woman, the officers decided to detain Mr. Bajardi while they investigated whether Mr. Bajardi had violated a no-contact order.¹³

Officer Rodriguez identified the man as Nicholas Bajardi using Mr. Bajardi's Washington driver's license.¹⁴ Officer Rodriguez determined that there was a DOC warrant for Mr. Bajardi's arrest and handcuffed Mr. Bajardi.¹⁵ While Officer Rodriguez was explaining the situation to Mr. Bajardi, Mr. Bajardi stated, "I wasn't talking to her."¹⁶ At some point the officers determined that a valid no-contact order did exist.¹⁷ Officer Lett took custody of Mr. Bajardi and transported him while Officer Rodriguez contacted the woman in the van and asked her for a statement.¹⁸ The woman did not provide a statement.¹⁹

⁹ RP 52, 71-72.

¹⁰ RP 52-54, 73.

¹¹ RP 64.

¹² RP 53-54.

¹³ RP 54-56.

¹⁴ RP 73.

¹⁵ RP 74.

¹⁶ RP 56.

¹⁷ RP 74.

¹⁸ RP 76-78.

On November 7, 2016, Mr. Bajardi was charged with one count of felony violation of a post-conviction no-contact order against a family or household member.²⁰

Mr. Bajardi waived his right to a jury trial on January 26, 2017.²¹

The State indicated pre-trial that it intended to offer the driver's license of Ms. Erin Roblin to prove that the Erin Roblin named in the no-contact order was the same Erin Roblin identified at the scene.²² Mr. Bajardi moved to prohibit the State from eliciting testimony from Officer Lett and Officer Rodriguez that the woman located at the scene was the woman pictured in Erin Roblin's driver's license.²³ Mr. Bajardi's objection was that officers Lett and Rodriguez had conflicting recollections of the description of the woman in the van, the officers' recollections of the woman's description did not match the driver's license photograph the State intended to introduce, and the State had engaged in an overly suggestive identification process when it first asked the officers to identify whether the woman in the driver's license photo was the woman in the van.²⁴

Mr. Bajardi also objected to the admission of the driver's license

¹⁹ RP 78.

²⁰ CP 7.

²¹ CP 12-13.

²² CP16-21.

²³ RP 13-16.

²⁴ RP 14-15.

on the basis that it contained hearsay if used in the manner the State wished to use it.²⁵ The Superior Court held that the driver's license was self-authenticating and Mr. Bajardi's hearsay concerns went to weight, not admissibility, and admitted the driver's license as exhibit 1.²⁶ The trial court reserved ruling on Mr. Bajardi's objection to the overly suggestive nature of the officers being introduced to the driver's license photograph.²⁷

Officers Lett and Rodriguez testified at trial and described their discovery and arrest of Mr. Bajardi.²⁸ During the officers' testimony, Mr. Bajardi renewed his objection when the State used exhibit 1 to establish that the Erin Roblin depicted in the driver's license was the woman the officers saw in the van.²⁹ The trial court noted the objections but overruled them.³⁰

The trial court found Mr. Bajardi guilty of felony violation of a no-contact order and found that the crime was a crime of domestic violence.³¹

Post-trial, Mr. Bajardi moved for an arrest of judgment on the basis that the State presented insufficient evidence that the woman who was found in the van was the woman who Mr. Bajardi was restrained from

²⁵ RP 17-21.

²⁶ RP 23.

²⁷ RP 16-17.

²⁸ RP 46-90.

²⁹ RP 57-58, 75-76.

³⁰ RP 58, 76.

³¹ RP 107-113; CP 90-94.

contacting by the no-contact order.³² The trial court denied the motion.³³

The trial court imposed a standard range sentence of 43 months and \$800 in legal financial obligations.³⁴

Notice of Appeal was filed on March 23, 2017.³⁵

D. ARGUMENT

- 1. The trial court's erroneous admission of Ms. Roblin's driver's license documents materially affected the outcome of Mr. Bajardi's trial and requires remand for a new trial.**

Pretrial, the State indicated that it intended "to offer Ms. Roblin's driver's record to prove she is the person protected by the no contact order."³⁶

In its trial memorandum, the State cited *State v. Mares*, 160 Wn.App. 558, 248 P.3d 140 (2011) to argue that, "Admission of a certified copy of the protected person's driver's license is permissible to prove the identity of the protected person and does not violate the Confrontation Clause."³⁷

In *Mares*, Mares was on trial for violating a no-contact order

³² CP 28-45.

³³ RP 125-127.

³⁴ CP 102-112.

³⁵ CP 95.

³⁶ CP 20.

³⁷ CP 20-21.

prohibiting him from being within 500 feet of Brittany Knopff.³⁸ Knopff did not attend the trial, so to prove that she was the person the no-contact order protected, the State introduced a certified copy of her driver's license by way of a certified letter from the DOL.³⁹

On appeal, Division One rejected the argument that the certification was testimonial. The court reasoned:

Business and public records are generally admissible absent confrontation because, having been created for the administration of an entity's affairs and not for the purpose of establishing or proving some fact at trial, they are not testimonial. The certification here attests only to the authenticity of a public record. It offers neither an interpretation of the record nor any assertions about its relevance, substance, or effect. The custodian did not attest that the license belonged to any particular “Brittany Knopff,” nor that the person pictured on the license was the victim of a crime. Other witnesses made those assertions, and Mares had a full opportunity to confront them.⁴⁰

The *Mares* court held, “The license was admissible as a public record, and the custodian who authenticated the copy provided no testimonial statements in doing so.”⁴¹ The court rejected Mares's argument that the custodian “searched the DOL database, analyzed the results of that search, and concluded a particular person's driver's license—among an unknown number of choices—was the one requested

³⁸ *Mares*, 160 Wash.App. at 560–61, 248 P.3d 140.

³⁹ *Mares*, 160 Wash.App. at 561, 248 P.3d 140.

⁴⁰ *Mares*, 160 Wash.App. at 564, 248 P.3d 140 (citation omitted).

⁴¹ *Mares*, 160 Wash.App. at 565, 248 P.3d 140.

by the prosecutor.”⁴² The court stated that “this was neither the substance nor the implication of the custodian's affidavit.”⁴³

Ms. Roblin’s driver’s record was ultimately offered and admitted as Exhibit 1.⁴⁴ The trial court admitted Ms. Roblin’s as self-authenticating documents and apparently agreed with the State that the driver’s record was admissible under the “business records” or “public records” hearsay exceptions as discussed in *Mares*.⁴⁵ It is not absolutely clear from record if the trial court admitted Exhibit 1 as a business record or a public record, but its admission was error in either case.

Mares does not control the analysis in this case. Mr. Bajardi is not challenging the DOL records custodian’s certification as testimony from a witness who he could not confront. Rather, Mr. Bajardi is challenging the driver’s license itself as inadmissible because the State failed to provide a proper foundation to have it admitted as a business or public record.

A. The trial court abused its discretion in admitting evidence of Mr. Roblin’s driver’s license.

A trial court's decision to admit evidence is reviewed for abuse of discretion.⁴⁶ A trial court abuses its discretion when its decision is

⁴² *Mares*, 160 Wash.App. at 566, 248 P.3d 140.

⁴³ *Mares*, 160 Wash.App. at 566, 248 P.3d 140.

⁴⁴ RP 18.

⁴⁵ RP 23

⁴⁶ *State v. Foxhoven*, 161 Wn.2d 168, 174, 163 P.3d 786 (2007).

“manifestly unreasonable or based on untenable grounds.”⁴⁷ A court’s decision is manifestly unreasonable if it is outside the range of acceptable choices, given the facts and the applicable legal standard; it is based on untenable grounds if the factual findings are unsupported by the record; it is based on untenable reasons if it is based on an incorrect standard or the facts do not meet the requirements of the correct standard.⁴⁸

i. The records are not admissible as business records.

Ms. Roblin’s driver’s license was offered to prove that she was the woman who the officers saw in the van and to prove that she was the woman who was protected by the no-contact order. The relevant portions of the driver’s license record were, therefore, the statements of identity (name, date of birth, address) contained in the driver’s license and those statements were relevant only if the photograph was identified as a photograph of the woman the officers saw in the van. It is those statements of identity contained in the driver’s license indicating that the woman in the picture had the name and date of birth listed on the license that are the hearsay statements the State sought to have introduced under the business records hearsay exception.

ER 803(a)(6) indicates that the admissibility of records of regularly

⁴⁷ *Grandmaster Sheng-Yen Lu v. King County*, 110 Wn.App. 92, 99, 38 P.3d 1040 (2002).

⁴⁸ *Grandmaster Sheng-Yen Lu*, 110 Wn.App. at 99, 38 P.3d 1040.

conducted activity (“business records”) as an exception to the hearsay rule is governed by RCW 5.45.

RCW 5.45.020 is part of the Uniform Business Records as Evidence Act, or UBRA. Under RCW 5.45.020,

A record of an act, condition or event, shall in so far as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.

The UBRA, RCW 5.45.020, makes evidence that would otherwise be hearsay competent testimony. The UBRA contemplates that business records are presumptively reliable if made in the regular course of business and there was no apparent motive to falsify. *State v. Rutherford*, 66 Wash.2d 851, 405 P.2d 719 (1965), *appeal dismissed*, 384 U.S. 267, 86 S.Ct. 1477, 16 L.Ed.2d 525 (1966). The UBRA contains five requirements for admissibility designed to ensure reliability. To be admissible in evidence a business record must (1) be in record form, (2) be of an act, condition or event, (3) be made in the regular course of business, (4) be made at or near the time of the act, condition or event, and (5) the court must be satisfied that the sources of information, method, and time of preparation justify the admittance of the evidence. *State v. Kreck*, 86 Wash.2d 112, 118–19, 542 P.2d 782 (1975); *Tennant v. Roys*, 44 Wash.App. 305, 312, 722 P.2d 848 (1986).⁴⁹

As in *Mares*, to introduce the driver’s license the State presented only the certification of the records custodian for the Washington State

⁴⁹ *State v. Ziegler*, 114 Wn.2d 533, 537-538, 789 P.2d 79 (1990).

Department of Licensing. Also as in *Mares*, the certification certified only that the copy of the driver's license provided was a copy of an authentic public record but did not make any certifications as to the accuracies of the substance of the information on the license.

The State presented no records custodian or any other witness who testified as to the accuracy of the sources of information used to prepare driver's license. Counsel for Mr. Bajardi was unable to find any case where the court confronted a situation like the one in this case, i.e. an appellant challenged the admissibility of the contents of a driver's license record under the UBRA. However, Karl Tegland has discussed the State's burden when it seeks to have such a record admitted as a business record:

The hearsay exception does not include information received from a third party (as opposed to information generated by, and for the benefit of, the business). The classic example is correspondence received by a business and placed in a file folder. Here, there is no assurance that the information reflected in the correspondence is reliable, and the correspondence obviously does not gain reliability simply because it is placed in a file folder and stored by the business.

Similarly, the hearsay exception does not include a record that is merely a recording or recitation of what was said by a person unconnected with the business. Here again, there is no assurance of reliability because the person furnishing the information has no obligation to the business to be truthful and accurate.⁵⁰

⁵⁰ 5D Karl B. Tegland, *Washington Practice, Courtroom Handbook on Washington Evidence*, § 803.24 at 416-417 (2016-2017 ed).

Here, the State failed to comply with RCW 5.45.020's requirement that a "custodian or other qualified witness testif[y]...the mode of...preparation" of the driver's license. Further, the State presented no evidence about the reliability of the information contained in the driver's license, i.e. that the woman in the picture was actually the "Erin Roblin" born on January eighteenth, nineteen eighty-three.

The trial court abused its discretion in admitting the evidence of the driver's license because the facts presented by the State did not meet the standard for admissibility of the document under the "business records" exception to the hearsay rule.

ii. The records are not admissible as public records.

ER 803(a)(8) indicates that the admissibility of "public records and reports" as an exception to the hearsay rule is governed by RCW 5.44.040.

Under RCW 5.44.040,

Copies of all records and documents on record or on file in the offices of the various departments of the United States and of this state or any other state or territory of the United States, when duly certified by the respective officers having by law the custody thereof, under their respective seals where such officers have official seals, shall be admitted in evidence in the courts of this state.

Like the hearsay exception for business records (see § 803:22), the hearsay exception for public records applies only to records of statements by public official or employees. The hearsay exception does not apply to

verbatim statements by others that, for one reason or another, are found in government files or records. *Tire Towne, Inc. v. G & L Service Co.*, 10 Wash. App. 184, 518 P.2d 240 (Div. 2 1973).⁵¹

The information contained on the driver's license in Exhibit 1 is not comprised of "statements by public officials or employees." Rather, the information is information provided by a third party (the license applicant) at the time the driver's license was applied for and issued. The driver's license itself does not meet the criteria necessary to be admissible as a public record. The trial court abused its discretion in admitting the driver's license under the "public record" exception to the hearsay rule.

B. The erroneous introduction of the driver's license records requires Mr. Bajardi receive a new trial.

An error in admitting evidence that does not result in prejudice to the defendant is not grounds for reversal. [Where] the error...result[s] from violation of an evidentiary rule, not a constitutional mandate...we apply "the rule that error is not prejudicial unless, within reasonable probabilities, the outcome of the trial would have been materially affected had the error not occurred." The improper admission of evidence constitutes harmless error if the evidence is of minor significance in reference to the overall, overwhelming evidence as a whole.⁵²

Where erroneously admitted evidence materially affected the

⁵¹ 5D Karl B. Tegland, *Washington Practice, Courtroom Handbook on Washington Evidence*, § 803.33 at 422 (2016-2017 ed).

⁵² *State v. Bourgeois*, 133 Wn.2d 389, 403, 945 P.2d 1120, 1127 (1997) (internal citations omitted).

outcome of a trial, the remedy is remand for a new trial.⁵³

The impact of the erroneous admission of the driver's license record in this case is clear. Without the introduction of the driver's license, the State would not have had any evidence that the woman seen in the van was the woman who was protected by the no-contact order. If the State had not been able to establish the identity of the woman in the van, Mr. Bajardi could not have been found guilty of violating the no-contact order.

The erroneous admission of the driver's license record clearly materially affected the outcome of the trial. This court should vacate Mr. Bajardi's conviction and remand for a new trial where the evidence is excluded.

2. The State presented insufficient evidence to convict Mr. Bajardi of violating a no-contact order where the State failed to present sufficient facts to support an inference the person Mr. Bajardi was seen with was the person protected by the no-contact order.

In a criminal sufficiency claim, the defendant admits the truth of the State's evidence and all inferences that may be reasonably drawn from them.⁵⁴ Evidence is reviewed in the light most favorable to the State.⁵⁵

Evidence is sufficient to support a conviction if, viewed in the light most

⁵³ See *State v. Stanton*, 68 Wn.App. 855, 867, 845 P.2d 1365 (1993).

⁵⁴ *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

⁵⁵ *State v. Varga*, 151 Wn.2d 179, 201, 86 P.3d 139 (2004).

favorable to the State, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt.⁵⁶

Circumstantial evidence and direct evidence are equally reliable.⁵⁷

In determining whether the necessary quantum of proof exists, the reviewing court need not be convinced of the defendant's guilt beyond a reasonable doubt, but only that substantial evidence supports the State's case.⁵⁸ Substantial evidence is evidence that "would convince an unprejudiced, thinking mind of the truth of the fact to which the evidence is directed."⁵⁹ The existence of a fact cannot rest upon guess, speculation or conjecture.⁶⁰

When reviewing the sufficiency of evidence in support of a conviction following a bench trial, an appellate court determines whether substantial evidence supports the challenged findings of fact and whether the findings support the trial court's conclusions of law.⁶¹ Substantial evidence is evidence sufficient to persuade a fair-minded, rational person that the findings are true.⁶² A defendant challenging a trial court's finding of fact bears the burden of demonstrating that the finding is not supported

⁵⁶ *Salinas*, 119 Wn.2d at 201, 829 P.2d 1068.

⁵⁷ *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980).

⁵⁸ *State v. Fiser*, 99 Wn.App. 714, 718, 995 P.2d 107, *review denied*, 141 Wn.2d 1023, 10 P.3d 1074 (2000).

⁵⁹ *State v. Hutton*, 7 Wn.App. 726, 728, 502 P.2d 1037 (1972).

⁶⁰ *State v. Carter*, 5 Wn.App. 802, 807, 490 P.2d 1346 (1971), *review denied*, 80 Wn.2d 1004 (1972), *cited in Hutton*, 7 Wn.App. at 728, 502 P.2d 1037.

⁶¹ *State v. Alvarez*, 105 Wn.App. 215, 220, 19 P.3d 485 (2001).

⁶² *State v. Stevenson*, 128 Wn.App. 179, 193, 114 P.3d 699 (2005).

by substantial evidence.⁶³

“A person being tried on a criminal charge can be convicted only by evidence, not by innuendo.”⁶⁴ The findings of fact must support the elements of the crime beyond a reasonable doubt.⁶⁵ If there is insufficient evidence to prove an element, reversal is required and retrial is ‘unequivocally prohibited.’⁶⁶

A. The State’s burden in this case.

The State charged Mr. Bajardi violation of a post-conviction no-contact order contrary to RCW 26.50.110(5).⁶⁷ Under RCW 26.50.110(5), an individual commits a class C felony if that individual violates a post-conviction no-contact order and has two or more previous convictions for violating a no-contact order.

B. The facts introduced by the State do not support the trial court’s conclusion that woman Mr. Bajardi contacted was the same woman that he was prohibited from contacting by the no-contact order.

Here, the State introduced evidence that Mr. Bajardi had previously been convicted of at least two prior violations of a no-contact order (Exhibit 3) and proved that there was an active no contact order preventing Mr. Bajardi from contacting or coming within 500 feet of “Erin

⁶³ *State v. Vickers*, 148 Wn.2d 91, 116, 59 P.3d 58 (2002).

⁶⁴ *State v. Yoakum*, 37 Wn.2d 137, 144, 222 P.2d 181 (1950).

⁶⁵ *State v. Tadeo–Mares*, 86 Wn.App. 813, 815–16, 939 P.2d 220 (1997).

⁶⁶ *State v. Hickman*, 135 Wn.2d 97, 103, 954 P.2d 900 (1998).

⁶⁷ CP 7.

A. L. Roblin with a date of birth of January 18th, 1983.”⁶⁸ The State also introduced evidence that officers Lett and Rodrigues saw Mr. Bajardi near a woman on November 2, 2016 and the woman looked like the woman depicted in Exhibit 1.⁶⁹

To prove that the woman next to whom Mr. Bajardi was seen was the woman who he was prohibited from contacting, the State relied on the officers’ testimony that the woman they saw in the van was the woman depicted in Exhibit 1 and the inference that the woman depicted in Exhibit 1 is the same woman was the woman protected by Exhibit 2. However, **the State presented no evidence that the Erin Roblin referenced in the no-contact order was the same Erin Roblin described in Ex. 1.** The most that can be inferred from the evidence introduced by the State is that Mr. Bajardi was seen near a woman who DOL records indicate is named Erin Roblin and that a no-contact order prevented Mr. Bajardi from contacting a woman named Erin Roblin. The State presented no evidence that the two women were the same person.

Any inference that the woman in the van was the woman who was protected by the no-contact order would be pure guess, speculation, and conjecture. The State presented insufficient evidence to support the trial court’s finding of guilt.

⁶⁸ RP 92, Ex. 1; CP 93, Finding of Fact No. 38.

⁶⁹ RP 51-78.

3. If the state substantially prevails, the Court of Appeals should decline to award any appellate costs requested.

At this point in the appellate process, the Court of Appeals has yet to issue a decision terminating review. Neither the state nor the appellant can be characterized as the substantially prevailing party. Nonetheless, the Court of Appeals has indicated that indigent appellants must object in advance to any cost bill that might eventually be filed by the state, should it substantially prevail.⁷⁰

Appellate costs are “indisputably” discretionary in nature.⁷¹ The concerns identified by the Supreme Court in *Blazina* apply with equal force to this court’s discretionary decisions on appellate costs.⁷² Furthermore, “[t]he future availability of a remission hearing in a trial court cannot displace [the Court of Appeals’] obligation to exercise discretion when properly requested to do so.”⁷³

Mr. Bajardi has been convicted of a felony and sentenced to prison. The trial court determined that he is indigent for purposes of this appeal.⁷⁴ There is no reason to believe that status will change. The *Blazina* court indicated that courts should “seriously question” the ability of a

⁷⁰ *State v. Sinclair*, 192 Wn.App. 380, 385-394, 367 P.3d 612 (2016) *review denied*, 185 Wn.2d 1034 (2016).

⁷¹ *Id.*, at 388.

⁷² *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015).

⁷³ *Sinclair*, 192 Wn. App. at 388.

⁷⁴ CP 221-222.

person who meets the GR 34 standard for indigency to pay discretionary legal financial obligations.⁷⁵

If the state substantially prevails on this appeal, this court should exercise its discretion to deny any appellate costs requested.

E. CONCLUSION

For the reasons stated above, this court should vacate Mr. Bajardi's conviction and either dismiss this case with prejudice or remand this case for retrial where evidence of the driver's license is excluded as hearsay.

DATED this 26th day of June, 2017.

Respectfully submitted,



Reed Speir, WSBA No. 36270
Attorney for Appellant

⁷⁵ *Blazina*, 182 Wn.2d at 839, 344 P.3d 680.

CERTIFICATE OF SERVICE

Reed Speir hereby certifies under penalty of perjury under the laws of the State of Washington that on the 26th day of June, 2017, I delivered a true and correct copy of the Brief of Appellant to which this certificate is attached by United States Mail, to the following:

Thurston County Prosecutor
2000 Lakeridge Dr SW
Olympia, WA 98502-6045

And to:

Mr. Nicholas Bajardi, DOC# 362762
Washington State Penitentiary
1313 North 13th Avenue
Walla Walla, WA 99362

Signed at Tacoma, Washington this 26th day of June, 2017.



Reed Speir, WSBA No. 36270

LAW OFFICE OF REED SPEIR

June 24, 2017 - 1:57 PM

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