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Court of Appeals
Division II
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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON

V.

YELENA SHUBOCHKINA

BRIEF OF APPELLANT

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A. Assignments of Error

Assignments of Error

1. The trial court erred by substituting a juror without reinstructing the jury on the record and without conducting voir dire of the replacement juror.
2. Defense counsel did not provide effective assistance of counsel when she failed to object to the admission of Exhibit 3 and her client's arrest for a protection order violation.

Issues Pertaining to Assignments of Error

1. Did the trial court err by replacing a deliberating juror with an alternate juror without advising the jury on the record of their need to recommence deliberations and without first conducting voir dire with the alternate juror?
2. Did defense counsel fail to provide effective assistance of counsel when she failed to object to the admission of an irrelevant and prejudicial Vulnerable Adult Protection Order and her client's subsequent arrest for violating the Order?

B. Statement of Facts

Dr. Yelena Shubochkina appeals her conviction for Identity Theft in the Second Degree. Dr. Shubochkina was born in St. Petersburg, graduated from St. Petersburg University and earned a Ph.D. at the Institute of Molecular Biology in Moscow. RP, 40. After working for three years at the University of Copenhagen, she was invited by the University of Washington to work in a post-doctoral research associate at the Department of Pharmaceutics. RP, 40.

Procedural Facts

Dr. Yelena Shubochkina was charged by First Amended Information with two criminal charges: Identity Theft in the First Degree and Violation of a Vulnerable Adult Protection Order (VAPO). Supplemental CP. The case proceeded to trial by jury on the first count only after Count II was dismissed.

Jury selection commenced on June 22, 2017. RP, 107. Presumably, the jury was told Dr. Shubochkina was charged with the two charges: Identity Theft in the First Degree and Violation of a Vulnerable Adult Protection Order.¹ RP, 107. Later that day, at the conclusion of jury

¹ Jury selection was not transcribed, but it is standard practice in Washington for courts to advise jurors of the nature of the charges. WPIC 1.01 (paragraph 2).

selection, but before the jury was sworn, the jury was advised there would be an alternate juror. RP, 111. They were further told, “So when you are released as an alternate – we will be covering this later – you are still under all of my instructions until there’s been a verdict in this case.” At that point the jury was sworn. RP, 112. During the general instructions to the jury, the Court instructed, “To my left is my judicial assistant, Jennifer Bartleson. . . Do not, however, ask her anything about the facts or the law in the case. She is not able to answer any of that. Even if she knows the answer, she can’t answer any questions like that. Please follow any instructions she gives you.” RP, 133.

The next day, the State moved to dismiss Count II of the First Amended Information. RP, 124. The prosecutor stated, “I had an opportunity to look more closely at the order for protection for vulnerable adult. And in looking at it, I’m embarrassed to say, Your Honor, I believe that Count II is improperly charged.” RP, 124. The prosecutor proposed filing a Second Amended Information reflecting Count I only. RP, 124. Defense counsel had no objection to the dismissal, stating the following: “I think the fact that the State had realized there was an issue with the VAPO . . . in and of itself, because this case has been pending for a long time, and that was something I had brought up to the first prosecutor. Just for the record, I am stating that it’s clear that when the defendant received

it and was trying to figure it out, she herself had issues. Because if the State didn't notice it until now – and she's the one who was served. And based on her contacts with the defendant, their prior relationship and everything that was involved, that, in and of itself, shows how difficult it was to determine what was allowed within the document itself in terms of her actions and behaviors.” RP, 126.

After closing argument, the trial court excused juror 5 as an alternate. RP, 332. Juror 5 was reminded not to discuss the case or read about the case. RP, 333.

On the second day of jury deliberations, Juror 5 had a death in the family and the Court excused her from further service. RP, 340. The alternate juror was summonsed to replace Juror 5. RP, 341. While waiting for the alternate juror, the Court had a colloquy with counsel outside the presence of the jurors. RP, 341. The jury was advised by the Court Clerk to stop deliberations because they had lost a juror and that “they cannot begin deliberations until the twelfth juror arrives. RP, 340-41. The Court instructed the Court Clerk, “Ms. Bartelson will again remind them that they must start anew with Juror No. 5 because they did have about an hour and a half of deliberations yesterday.” RP, 341-42. The Court did not

instruct the jury on the record and there was no voir dire with the alternate juror.

The jury acquitted Dr. Shubochkina of Identity Theft in the First Degree but convicted her of Identity Theft in the Second Degree as a lesser included offense. CP, 54-55. At sentencing, the court imposed a standard range sentence of 30 days in jail. RP, 22 (July 21, 2017). A timely notice of appeal followed. CP, 79.

Substantive Facts

The State called two witnesses, Steilacoom Police Officer Justin Hamrick and Ronald Brockman. The defense called Dr. Shubochkina. In brief, the State alleged Dr. Shubochkina exercised unauthorized use of a credit card belonging to Mr. Brockman one or more times from July 6 to August 11, 2016 for an aggregate amount of more than \$1500. CP, 34. Central to the theories of both parties was the nature of the relationship between Mr. Brockman and Dr. Shubochkina and, on this issue, there was significant disagreement.

Mr. Brockman testified that at all relevant times, he and Dr. Shubochkina had been “more or less” living together as roommates. RP, 174. The two of them met on match.com. RP, 187. She moved in after

being evicted and needed a place to stay. RP, 175. Mr. Brockman described the living arrangement as follows: “It’s not like man and wife. This is roommates who didn’t speak very much to each other.” RP, 189. He could not remember how long they lived together, even when defense counsel tried to refresh his memory. RP, 175, 187. When pressed for dates, Mr. Brockman got exasperated and said, “Again, you’re asking me for dates, and I can’t remember any of them. So please quit asking.” RP, 201.

The two of them lived together in at least two residences, although Mr. Brockman had difficulty recollecting the details. RP, 184. At the final location, they were both listed on the lease. RP, 195. On cross-examination, Mr. Brockman clarified that Dr. Shubochkina moved in around 2013 in order to assist him around the house after he started experiencing some medical problems. RP, 188-89. Mr. Brockman admitted Dr. Shubochkina was doing many of domestic tasks for him including daily cooking, cleaning, laundry, entertaining him on the piano, driving him to medical appointments, and walking his dog. RP, 189-90, 193, 208-09. They frequently went out to eat at restaurants together. RP, 208.

Because of his medical issues, Mr. Brockman only has limited use of his right hand and is unable to write. RP, 179. He was also unable to

drive for a period of time. RP, 191. Dr. Shubochkina had a Mazda that she used to drive Mr. Brockman around. RP, 191-92. Mr. Brockman had regular medical appointments at Madigan Hospital and Dr. Shubochkina would drive him to the appointments using the Mazda. RP, 191-92. Mr. Brockman helped with routine maintenance on the Mazda, including the replacement of worn out tires and other “repair bills.” RP, 201. He also paid for the car insurance on the Mazda. RP, 201

While living together, Mr. Brockman and Dr. Shubochkina had a loose financial arrangement where she would pay for items when able but he paid for most of the household expenses, including rent. RP, 204. He would occasionally allow her to use his credit or debit card. RP, 176. For instance, if they were driving together and needed gas, he would allow her to use his credit card. RP, 176. But at some point, according to Mr. Brockman, on a date that he could not remember, her spending got out of control and he took away her credit card privileges. RP, 176.

Dr. Shubochkina presented a different version of the relationship. The two of them met on match.com, a dating site. RP, 243. Both were divorced. RP, 244. Mr. Brockman was advertising that he was interested in dating Russian women and Dr. Shubochkina was looking for a husband. RP, 244. The relationship became “romantic” and she moved in with him in July of 2012. RP, 244. In 2013, Mr. Brockman became ill while

visiting California. RP, 245-46. When he returned, it was February 14, 2013 and Dr. Shubochkina decorated the house with red ribbon and other Valentine's Day decorations. RP, 246.

Mr. Brockman's medical condition was dire and Dr. Shubochkina was doing everything in her power to be of assistance. RP, 247. She changed his catheter, changed his dressings, grocery shopped, walked his dog, and cooked three meals a day. RP, 248-49. She drove him to the hospital three to four times a week using her Mazda. RP, 248. Mr. Brockman was paying for the car insurance on the Mazda. RP, 267-68. This went on for two years. RP, 249.

Mr. Brockman had lost the use of his right hand, and Dr. Shubochkina was signing all his documents and checks for him. RP, 249-50. For the first six months after moving in together, Dr. Shubochkina was paying all the household expenses. RP, 250. After six months, they were sharing the expenses. RP, 250-51. Mr. Brockman would frequently reimburse her for expenses using checks and she had permission to use his credit card. RP, 251.

In June of 2016, Mr. Brockman experienced some severe medical issues and was hospitalized at Madigan Hospital. RP, 177. Susan Brockman, Mr. Brockman's ex-wife and power of attorney, came into town to assist and spent time with the ailing Mr. Brockman at the hospital.

RP, 185. Susan Brockman was staying with Dr. Shubochkina in the condo and eating their food. RP, 258, 260. Dr. Shubochkina was visiting Mr. Brockman at the hospital every day, or even several times a day, during the period, often accompanied by Susan Brockman. RP, 263.

It was during this hospitalization that the alleged identity theft occurred. According to Dr. Shubochkina, Mr. Brockman authorized her to purchase some household items, including groceries. RP, 260. These expenditures were detailed for the jury on a “fraud statement” from Bank of America that was issued to Mr. Brockman. RP, 179, Exhibit 1. The statement was verified by Mr. Brockman and admitted without objection from the defense. RP, 181. The “fraud statement” contains approximately 60 expenditures between July 6 and August 11, 2016. Exhibit 1. All but one of the expenditures are for less than \$40 and are to grocery stores or gas stations (Whole Foods, Albertson’s, Harbor Green, and Speed E-Mart 76 station). Exhibit 1.

There is one expenditure on Exhibit 1 that is unlike the others and caused a lot of discussion at trial. On July 14, 2016, Dr. Shubochkina charged \$1376.16 to South Tacoma Mazda for a car repair. Exhibit 1, RP, 182. Dr. Shubochkina testified the transmission in her Mazda went out and needed to be replaced. RP, 255. Dr. Shubochkina testified during a hospital visit she told Mr. Brockman about the need for a transmission

replacement and he authorized her to charge his credit card for the transmission. RP, 260. Mr. Brockman testified on direct examination he did not authorize that charge, but later equivocated saying, “Not that I can recall.” RP, 183, 207. Dr. Shubochkina put half of the transmission on her credit card and half on Mr. Brockman’s card. RP, 267.

On August 9, 2016, Susan Jane Brockman went to the Pierce County Superior Court and petitioned for a VAPO. RP, 185, Exhibit 3. Susan Brockman did not testify and the record is silent on why she did this. There is no evidence Mr. Brockman requested the Order. The VAPO was served on August 9, 2016. RP, 160. Among other things, the VAPO states, “Respondent is restrained from committing or threatening to commit acts of abandonment, abuse, personal exploitation, improper use of restraints, neglect, or financial exploitation against the vulnerable adult.” RP, 161. After the VAPO was served, Dr. Shubochkina made six expenditures on August 10 and August 11, 2016, totaling \$90.13 to Whole Foods, Albertson’s and Speed E-Mart 76 station. Exhibit 1, RP, 163. The VAPO was admitted into evidence as Exhibit 3 without objection from the defense. RP, 160.

Steilacoom Police Officer Justin Hamrick contacted Dr. Shubochkina on August 23, 2016. RP, 152. Dr. Shubochkina was shown the Bank of America fraud statement (Exhibit 1) and she confirmed

making the expenditures RP, 154. The next day, August 24, 2016, Officer Hamrick was reviewing the case further and realized that six of the expenditures were after the VAPO was served. RP, 159. Officer Hamrick testified the VAPO prohibited “financial exploitation” and that he had probable cause for a protection order violation. RP, 159-61. He contacted her and arrested her for the violation of the VAPO. RP, 161. Dr. Shubochkina said she only used the card because Mr. Brockman gave her permission. RP, 162-63. The evidence of her arrest was admitted without objection from the defense

C. Argument

1. The trial court erred by substituting a juror without reinstructing the jury on the record and without conducting voir dire of the replacement juror.

After jury deliberations commenced, a juror had a death in the family and was replaced. Dr. Shubochkina does not object to the trial court’s decision to replace the juror with an alternate juror. The trial court did not adequately protect Dr. Shubochkina’s right to a fair trial, however. Specifically, the trial court did not instruct the jury on the record and did not voir dire the replacement juror to ensure she was not tainted.

The seminal case in Washington setting out the proper procedure for replacing a deliberating juror is *State v Ashcraft*, 71 Wn App 444, 859 P.2d 60 (1993). In *Ashcraft*, the Court said:

CrR 6.5 does not specify that a hearing is required before a deliberating juror can be replaced with an alternate juror. The rule does, however, clearly contemplate a formal proceeding which may include brief voir dire to insure that an alternate juror who has been temporarily excused and recalled has remained protected from “influence, interference or publicity, which might affect that juror's ability to remain impartial” CrR 6.5. Moreover, the rule requires that a jury which has commenced deliberations before an initial juror is replaced by an alternate juror “shall be instructed to disregard all previous deliberations and begin deliberations anew.” CrR 6.5. These are matters which relate directly to a defendant's constitutional right to a fair trial before an impartial jury and to a unanimous verdict. As such, they are not the proper subject for an ex parte judicial proceeding, even where there is valid cause to replace an initial juror with an alternate juror.

Ashcraft at 462 (citation omitted). The Court further said:

We need not decide whether the trial court's failure to make such an effort here constitutes reversible error because we fully agree with the appellant that it was reversible error of constitutional magnitude to fail to instruct the reconstituted jury *on the record* that it must disregard all prior deliberations and begin deliberations anew.

Ashcraft at 464 (emphasis in original).

Applying *Ashcraft* to the case at bar, it is clear the trial court erred in two ways. First, the trial court was required to reinstruct the jury on the record. Instead, the trial court instructed the Clerk to instruct the jury.

This error was compounded by the fact that at the commencement of the trial, the court instructed the jury that the Clerk was not able to give them any information on the facts or the law. RP, 133. Relying on the Clerk to instruct the jury rather than instructing them on the record was error.

The second error was not conducting voir dire of the replacement juror. Although the judge properly instructed the alternate juror to refrain from outside influences when she was excused, the trial court had an affirmative duty to ensure that she followed that instruction prior to allowing her to deliberate with the other jurors.

For each of these reasons, the trial court erred and a new trial is required.

2. Defense counsel did not provide effective assistance of counsel when she failed to object to the admission of Exhibit 3 and her client's arrest for a protection order violation.

The Sixth Amendment to the United States Constitution and article 1, section 22 of the Washington Constitution guarantee the right to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 685–86, 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984); *State v. Grier*, 171 Wn 2d 17, 32, 246 P.3d 1260 (2011). In order to show reversal is warranted based on ineffective assistance of counsel, the defendant bears

the burden to show (1) counsel's performance was deficient and (2) counsel's deficient performance prejudiced the defense. *Strickland*, 466 U.S. at 687. Failure to make the required showing of either deficient performance or sufficient prejudice defeats an ineffective assistance of counsel claim. *Id.* at 700.

Representation is deficient if it falls “below an objective standard of reasonableness,” given all of the circumstances. *Grier* at 33. There is a strong presumption that counsel's performance was reasonable. *Id.* Because the presumption runs in favor of effective representation, the defendant must show the absence of legitimate strategic or tactical reasons supporting the challenged conduct by counsel. *State v McFarland*, 127 Wn.2d 322, 336, 899 P.2d 1251 (1995). Counsel's conduct is not deficient if it can be characterized as a legitimate trial strategy, but the “relevant question is not whether counsel's choices were strategic, but whether they were reasonable.” *Grier* at 34. A defendant is prejudiced by deficient representation if there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. *Id.*

In this case, the State admitted the VAPO as Exhibit 3 without objection from the defense. The State also introduced evidence of Dr. Shubochkina's arrest for violating the VAPO without objection from the defense. The VAPO Order and Dr. Shubochkina's arrest for violating the

Order were not relevant to the charged offense, served to confuse the jury about the relevant essential elements, and was highly prejudicial. There was no tactical reason for the defense to fail to object to their admissibility and their admission served to prejudice Dr. Shubochkina's defense. The admission of the VAPO and her subsequent arrest were error and defense counsel's failure to object was ineffective.

At the beginning of the trial, the VAPO was potentially relevant to Count II of the amended information, Violation of a Court Order. Dr. Shubochkina was arrested and charged with violating the terms of the VAPO. But it was clear to defense counsel long before the trial that the State could not prove Count II. Defense counsel said as much to the Court, but did not make a timely motion to dismiss Count II. RP, 126. Instead, defense counsel allowed the jury to be advised of both charges, knowing that the State would not be able to bear its burden on Count II. Therefore, the Court advised the jury that Dr. Shubochkina was charged with both identity theft and violation of the VAPO order and, later, the jury heard the details of her arrest for violating the VAPO.

The trial transcript is somewhat abstruse about why Count II was dismissed. See RP, 124. But it is important for purposes of this appeal to identify exactly why Count II was dismissed. The State's theory for the

violation of court order was that Dr. Shubochkina violated Paragraph 2 of the VAPO. Exhibit 3. Paragraph 2 reads: “Respondent is restrained from committing or threatening to commit acts of abandonment, abuse, personal exploitation, improper use of restraints, neglect, or financial exploitation against the vulnerable adult ” This Paragraph was read word-for-word to the jury by Officer Hamrick. RP, 161. The State’s theory was Dr. Shubochkina violated the order by engaging in financial exploitation. But the Order also states, “Violation of restraint provisions 1, 3, 4, or 5 with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject the violator to arrest. RCW 74.34.145 ” Therefore, because Dr. Shubochkina was only accused of violating Paragraph 2, she was not subject to arrest for violating the Order. Defense counsel identified this issue early, apparently advised the original prosecutor of the issue, but did nothing about it in court, allowing the jury to be advised of Count II. In fact, defense counsel never did anything about the issue; the prosecutor figured it out on her own after the jury was empaneled and sworn.

Courts are not to admit evidence if the prejudicial effect greatly outweighs its probative value. ER 403. The prejudicial impact of introducing the VAPO cannot be overstated. The bottom of page 1 of the VAPO reads: “Respondent committed acts of abandonment, abuse,

personal exploitation, improper use of restraints, neglect and/or financial exploitation of the vulnerable adult.” Exhibit 3. This statement reflects a comment on the evidence by a judicial officer that Dr. Shubochkina had engaged in some form of abuse, including financial exploitation. It also reflects a judgment by the Court that Dr. Shubochkina should have no further contact with Mr. Brockman. It was highly prejudicial for the jury in an identity theft trial to be told that a judge had already found Dr. Shubochkina committed financial exploitation.

Because the VAPO was highly prejudicial, it should only have been admitted if it was also highly probative. To be probative evidence must (1) tend to prove or disprove the existence of a fact, and (2) that fact must be of consequence to the outcome of the case. ER 401; *State v. Weaville*, 162 Wn App. 801, 818, 256 P 3d 426 (2011).

The jury was instructed that in order to convict Dr. Shubochkina of identity theft, they needed to find she knowingly obtained, possessed, used, or transferred a means of identification or financial information of another with intent to commit any crime. Jury Instruction 5, RP, 289. The VAPO prohibits the Respondent from engaging in “financial exploitation.” “Financial exploitation” is not defined, either in the VAPO or in the jury instructions. The jury was, therefore, left to speculate

whether the use of the credit card constituted “financial exploitation.”² It is possible for a person to exercise authorized use of another person’s credit card without engaging in financial exploitation.

Because it was undisputed Dr. Shubochkina used the credit card during the period in question, the jury was tasked with resolving the conflicting evidence whether Mr. Brockman authorized the use of his credit card for normal household expenses, including food, gas, and car repairs, while he was in the hospital. Mr. Brockman testified he had in the past authorized Dr. Shubochkina to use his credit card. RP, 176. Regarding the one large expenditure, the transmission repair, Mr. Brockman testified on direct examination he did not authorize that charge, but later equivocated saying, “Not that I can recall.” RP, 183, 207. Dr. Shubochkina testified all of the expenditures, including the transmission repair, were authorized by Mr. Brockman.

The relevance of the VAPO might be different had Susan Brockman testified. She hypothetically could have put the VAPO in context and explained why she petitioned for it. But she did not testify

² The National Adult Protection Services Association defines “financial exploitation” as occurring when “when a person misuses or takes the assets of a vulnerable adult for his/her own personal benefit,” but also notes, “[d]efinitions of financial exploitation vary from jurisdiction to jurisdiction.” <http://www.napsa-now.org/get-informed/what-is-financial-exploitation/>.

and Mr. Brockman provided little, if any, insight into the Order. At the trial, Mr. Brockman was shown Exhibit 3 and asked if he was the Ronald Charles Brockman listed on the VAPO RP, 184. He answered, “I would imagine.” He identified his signature. RP, 184. He was asked Dr. Shubochkina’s birthdate and he answered, “I don’t have any idea.” RP, 184. He was asked whether the date listed on the Order was August 9, 2016 and he answered, “I guess so ” RP, 184. When asked whether he remembered getting the Order, he said, “Oh, I remember that, but I don’t remember getting this exact document.” RP, 185. This colloquy provides no insight into why the Order was sought and what the parties’ understanding was about its provisions. More specifically, this colloquy does not make clear that, effective August 9, 2016, Dr. Shubochkina’s credit card privileges were revoked. In sum, the VAPO was not relevant and its admission was highly prejudicial. Had a timely objection been made, the Court would have erred in admitting the VAPO. ER 403. There was no tactical reason for defense counsel to fail to object to its admission.

The next issue is whether the erroneous admission of the VAPO prejudiced Dr. Shubochkina’s trial. The State’s theory at trial was that Dr. Shubochkina unlawfully used Mr. Brockman’s credit card approximately 60 times between July 6 and August 11, 2016 for an aggregate amount of more than \$1500. The jury apparently found she did exercise

unauthorized control of his credit card, but not in the amount of \$1500, given that they acquitted her of First Degree Identity Theft but convicted her of Second Degree Identity Theft. At first, it is difficult to discern how the jury reached this conclusion, given that the expenditures in Exhibit 1 total significantly more than \$1500. The expenditure to Tacoma Mazda by itself is just shy of \$1500. But most of the expenditures, including the Tacoma Mazda expenditure, were made prior to August 9, 2016. And a close reading of the closing arguments helps explain the verdict. In her rebuttal argument, the prosecutor attempted to explain the relevance of the VAPO.

So there's been a little bit of talk about this, and this is what's been admitted as Plaintiff's Exhibit 3 . . . Here's the part that's fairly relevant. Subsection (2) right here says, "Respondent is restrained from committing or threatening to commit acts of abandonment, abuse, personal exploitation, improper use of restraints, neglect, or" -- here's the really relevant part, ladies and gentlemen -- "financial exploitation against the vulnerable adult." Financial exploitation against the vulnerable adult. Well, who is the vulnerable adult? Dr. Brockman. The second this order was entered on August 9th, 2016, even if, even if Dr. Brockman authorized the defendant to use his credit card to fix her transmission, even if he authorized \$600 worth of food for just a couple weeks for his ex-wife, *any transaction after August 9th, clearly, clearly a violation of this order. She is not allowed to come near and/or touch his finances*. This order was designed to protect him. . . So the State submits the evidence is quite clear that, in fact, the defendant committed the crime of Identity Theft in the First Degree. And we say that based off of Dr. Brockman's testimony, that there was no authorization. However, if you're not completely satisfied beyond a

reasonable doubt, she's very clearly guilty of Identity Theft,
Second Degree.

RP, 327-29 (Emphasis added). Given that the jury convicted her of the
lesser charge of Second Degree Identity Theft, it is a reasonable
conclusion that the jury found persuasive the State's argument that any
transactions after the VAPO was served constituted identity theft. The
verdict was materially influence by the erroneous admission of the VAPO
and Dr. Shubochkina was prejudiced at trial. A new trial is required.

D. Conclusion

This Court should reverse Dr. Shubochkina's conviction and
remand for a new trial.

DAIED this 27th day of November, 2017.

A handwritten signature in black ink, appearing to read 'T. Weaver', with a long horizontal flourish extending to the left.

Thomas E. Weaver, WSBA #22488
Attorney for Defendant

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

STATE OF WASHINGTON,)	Court of Appeals No.: 50712-9-II
)	
Plaintiff/Respondent,)	DECLARATION OF SERVICE OF BRIEF
)	OF APPELLANT
vs.)	
)	
YELENA SHUBOCHKINA,)	
)	
Defendant/Appellant.)	

STATE OF WASHINGTON)
)
COUNTY OF KITSAP)

I, Alisha Freeman, declare that I am at least 18 years of age and not a party to this action.

On November 27, 2017, I e-filed the Brief of Appellant with the Washington State Court of Appeals, Division Two; and also designated said document to be sent to the Pierce County Prosecutor via email to: PCpatcecf@co.pierce.wa.us through the Court of Appeals transmittal system.

On November 27, 2017, I deposited into the U.S. Mail, first class, postage prepaid, a true and correct copy of the Brief of Appellant to the defendant:

Yelena Shubochkina
11318 3rd Ave NW
Seattle, WA 98177

////

////

1 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
2 is true and correct.

3 DATED: November 27, 2017, at Bremerton, Washington.

4 
5 _____
6 Alisha Freeman

THE LAW OFFICE OF THOMAS E. WEAVER

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