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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

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

STATE OF WASHINGTON,

Respondent,

v.

J.LEONOR SALAZAR DIMAS,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF THURSTON

The Honorable JOHN C. SKINDER, Presiding at the Trial Court

BRIEF OF APPELLANT

Office address:
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Bellevue, WA 98004

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Gene E. Piculell
WSBA 20020

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INTRODUCTION

Federal Agents executed a federal tax search warrant that authorized search and seizure of potential evidence related to alleged tax crimes at Appellant Salazar Dimas' residential premise. The issue on appeal is whether the trial court erred in denying Appellant Salazar Dimas' motion to suppress evidence, pursuant to CrR 3.6, when the federal agents executed the federal tax search warrant with a specific, directly acknowledged law enforcement intent and purpose that there was "no" limitation of scope and search authorization of the federal tax search warrant and such unrestrained, unfettered unlawful search resulted in an unlawful seizure of a controlled substance.

A. ASSIGNMENT OF ERROR

1. The trial court erred in finding that "[t]he nature of the electronic storage medium and devices that the warrant authorized the agents to search for was very small." (Clerks Papers Index Number 59 Finding of Fact 13 (FOF13))
2. The trial court erred in concluding that "State v. Higgs, 177 Wn.App 41 (2013), while not on point, discusses the fact that officers looking for drugs may search virtually every aspect of a person's home; [h]ere, the agents correctly searched for devices in anything that could reasonably hold something as small as that described by SA Schroff." Clerks Papers Index Number 59 Conclusion of Law 3 (COL3)

3. The trial court erred in concluding that “[t]he agents searched the defendant’s home within the scope of the warrant authorization.” Clerk’s Papers Index Number 59, Conclusion of Law 4 (COL4)
4. The trial court erred in concluding that “[t]he testimony tells the court that the agents immediately recognized the item as contraband as drugs because they initiated the procedure established prior to the search warrant. Clerks Papers, Index Number 59, Conclusion of Law 8 (COL8)
5. The trial court erred in concluding that “the State has satisfied the immediate recognition prong of the plain view exception.” Clerks Papers, Index Number 59, Conclusions of Law 11 (COL11)
6. The trial court erred in concluding that the “[t]he State has satisfied the requirements for establishing the plain view exception to the warrant requirement. The drugs are admissible at trial.” Clerks Papers, Index Number 50, Conclusions of Law 12. (COL12)

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Did the trial court err in denying Appellant Salazar Dimas’ motion to suppress evidence, pursuant to CrR 3.6, when the federal agents executed the federal tax search warrant with a specific, direct acknowledged law enforcement intent and purpose that there was “no” limitation of scope and search authorization of the federal tax search warrant and such unrestrained, unfettered search resulted in an unlawful

seizure of a controlled substance in violation of State and Federal Constitutions?

C. STATEMENT OF THE CASE

Appellant (herein 'Salazar Dimas') was charged with and convicted by a jury of Violation of the Uniform Substances Act, following denial of defense motion to suppress evidence pursuant to CrR 3.6, U.S. CONST. AMEND IV, CONST, WA CONST, Art I, Section 7, seized pursuant to a federal tax search warrant, and sentenced thereon. See Clerk's Papers (herein "CP") Index Number 1; CP Index Number 78.

A federal tax search warrant was issued for the search of Salazar Dimas' residential premises for alleged violations of Title 18 USC Section 371 (conspiracy to commit tax evasion), Title 26 USC Section 7201 (tax evasion), Title 26 Section 7206(1) (making/subscribing false income tax return). CP Index Number 59; see also, Evidentiary Hearings Exhibit List CP Index Number 55; See also Appendix A, attached hereto, Search Warrant, United States District Court, Western Washington, No.: MJ16-5096-02.

Search Warrant No. MJ16-5096-02 provided authorization for search and seizure of alleged financial crime information related to alleged tax fraud crimes, which included a detailed category and type of evidence,

to be searched and seized at the Salazar Dimas premise, the genus/category of which was documentary evidence. See CP Index Number 55, see also Appendix A, attached hereto (the category and type of evidence to be searched for and seized is contained within Appendix A, and which is labeled within the Search Warrant issued by the US District Court as "Attachment B," and incorporated by referenced into the issued Search Warrant by the US District Court; see Appendix A, attached hereto); see also VRP PP 29, LL 6-20

FBI Special Agent Schroff testified that the search warrant for alleged financial crimes of tax evasion, defrauding the United States, filing a false tax return and that the Internal Revenue Service (IRS) was the lead federal law enforcement agency in this matter. VRP PP 8, LL 16-20. No IRS Agent testified in the motion to suppress evidence pursuant to CrR 3.6., and the sole witness presented by the State was the FBI Special Agent Schroff. VRP, generally. While the search warrant was for alleged financial tax fraud crimes related to United States Federal Tax Code, in addition to Special Agents for the Internal Revenue Service, Special Agents for the Federal Bureau of Investigation and local authorities were involved in the execution of the search warrant. See, Verbatim Report of Proceedings VRP, PP 8, LL 1-20

During execution of the search warrant of Salazar Dimas' premises, in an interior bedroom a Special Agent with the Internal Revenue Service observed a opaque pill bottle on a bedside table and upon opening the opaque container, which contained the name of another individual not the defendant not involved or mentioned in the federal tax warrant nor charged herein, and thereafter unwrapping or rummaging packaging contained within the non-transparent container, observed what was later determined to be controlled substance. See Findings of Fact; Index Number 59, 1-12; see ("VRP") PP 13, LL 22-25, PP 14, LL 1-15.

At pre-trial hearing, Salazar Dimas' motion to suppress the search and subsequent seizure of the controlled substances and challenged that the federal law enforcement agents exceeded the scope of the search warrant's authorization and that it was fruit of an unlawful seizure. See Findings of Fact, Conclusions of Law, CP Index Number 59; see also, VRP PP 32.

Concerning examination of the sole witness presented in the motion to suppress hearing by the State, Federal Bureau of Investigation Special Agent Schroff testified that in executing such federal tax search warrant there were "no" limitations upon law enforcement's search of Salazar Dimas' residential premise based upon the issued federal tax

search warrant. See VRP PP 22 LL 1-25; see VRP PP 23, LL 1-2.; VRP at PP 32.

In particular, Salazar Dimas challenged that the unfettered, unrestrained search and subsequent seizure pursuant to a federal tax warrant was without particularity and not within the scope of the authorizing federal tax search warrant. VRP PP 33 1-15; see also Findings of Fact, Conclusion of Law, CP Index Number 59.

Salazar Dimas argued that because of the unequivocally direct stated intent and consequent unfettered, unrestrained law enforcement execution of the federal tax search warrant by the federal law enforcement agents , with the intent and purpose that there was “no” limitation on the search and subsequent seizure thereon, therein of the Salazar Dimas residential premise, that therefore the search and seizure was an constitutionally invalid general exploratory search by federal law enforcement. VRP PP 33 LL 1-15. The trial court denied Salazar Dimas’ motion to suppress seized evidence on this basis and found the federal agents searched the premises within the scope of the federal tax search warrant authorization. See Findings of Fact, Conclusions of Law, Conclusion # 4.

D. ARGUMENT

1. The Trial Court's Factual Findings are in error.

Challenged factual findings must be supported by "substantial evidence" to stand. State v. Hill, 123 Wn. 2d 641, 647 (1994). Substantial evidence exists when there is a sufficient quantity of evidence in the record to persuade a fair-minded, rational person of the truth of the finding. *Id.*

Herein, Factual Finding 13 (FOF13) is in error and is not supported by substantial evidence. The trial court found:

"[t]he nature of the electronic storage medium and devices that the warrant authorized the agents to search for was very small." CP Index Number 59, Findings of Fact (FOF13).

The only evidence admitted at the motion hearing was the testimony of Special Agent Schroff, who testified that SSD cards can store electronic records including financial records the size of "my pinky nail" or smaller inside containers like a pill bottle. VRP PP 22 LL 10-13. Such findings are not supported by substantial evidence in this record as to the reference and assertion that FBI Special Agent Schroof makes and which the Court adopts verbatim.

Such testimony provides no information about his specific training or experience as the size, manufacture, or the specific alleged case experience the Agent is referencing concerning digital media and the storage thereof of digital information. There is no admitted exhibit or other supporting testimony that provide a factual basis for this finding. The Agent's testimony alone fails to provide or establish in the record substantial evidence to support such a finding. There is no indication in this record that supports FBI Special Agent Schroff's testimony of the type, kind, measure of any device he is referencing that may be or is commonly found in a pill bottle, and/or his experience in executing federal tax warrants, or the electronic or digital storage of the genus/documents of the kind authorized by the federal tax warrant. VRP, generally. Additionally, there is no indication in the record or argument from the State that such assertions of such a search was presented to the federal magistrate in consideration of issuance of the Search Warrant or the contemplation of the size and type as alluded to by the FBI Special Agent. VRP, generally. Moreover, even if FBI Special Agent Schroff had experience executing federal tax warrants wherein the type, kind of pinky nail device he is describing, FBI Special Agent Schroff did not conduct the initial search of the opaque pill bottle. VRP PP 13, LL 15-25; VRP PP

14 LL 1-15.. There is no evidence from the IRS Special Agent who searched the opaque pill bottle. VRP. The State determine to call FBI Special Agent Schroof as it's sole witness in the motion to suppress hearing. VRP, Id.

Consequently, Finding of Fact 13 lacks factual support in the record and therefore should be disregard by this Court. The Agent's testimony fails therefore to provide a "sufficient quantity of evidence . . . to persuade a fair-mind, rational person of the truth" of Findings of Fact 13. Id., Hill, 123 Wn. 2d at 647.

2. The federal law enforcement agents search of the Salazar Dimas' premise and subsequent search of evidence pursuant to the federal tax warrant was a general exploratory search and constitutionally invalid

A search warrant was issued for the search of Salazar Dimas' residential premises for alleged violations of Title 18 USC Section 371 (conspiracy to commit tax evasion), Title 26 USC Section 7201 (tax evasion), Title 26 Section 7206(1) (making/subscribing false income tax return). CP Index Number 59 see also, Evidentiary Hearings Exhibit List CP Index Number 55; See also Appendix A, attached hereto, Search

Warrant, United States District Court, Western Washington, No.: MJ16-5096-02.

Search Warrant No. MJ16-5096-02 provided authorization for search and seizure of alleged financial crime information related to alleged tax fraud crimes, which included a detailed genus, category, type of documentary evidence to searched and seized at the Salazar Dimas premise. See CP Index Number 55, see also Appendix A, attached hereto (the category and type of evidence to be searched for and seized is contained within Appendix A, and which is labeled within the Search Warrant issued by the US District Court as "Attachment B," and incorporated by referenced into the issued Search Warrant by the US District Court; see Appendix A, attached hereto); see also VRP PP 29, LL 6-20.

The genus or category documents or items that are sought for the alleged tax crime that are contained in the authorized federal tax search warrant include purchase agreements, payment receipts, corporate minute books, financial statements, book keeping and accounting records, checking account, saving account records, brokerage account records, purchase, sale, lease records, loan records, books, calendars, appointment books, telephone records, travel records, documents key maps agreements

or items associated with storage units, payments from domestic or international companies, cash, digital devices or their components, storage devices, reference manuals, applications of software, physical keys, encryption devices, dongles to gain access to computer equipment, passwords, files. See Attachment A. Further, the scope and the genus/category of the items to be searched pursuant to the issued federal tax warrant can be further limited by the clear and unequivocal statement of the evidence to be seized specifically authorized are “computer systems” and “their components” to be taken off-site and examined. See Attached A. Such identification as to the intended scope of the federal tax warrant is contained in UPPER CASE, ALL CAPITALS, at the final line of the federal tax warrant of evidence to be seized. See Attachment A.

FBI Special Agent Schroff testified that the search warrant at issue was solely for alleged financial crimes of tax evasion, defrauding the United States, filing a false tax return. VRP PP 29 LL 6-22. FBI Special Agent Schroff, the only witness testifying at the suppression motion hearing. VRP, Id.

FBI Special Agent Schroff testified in response to the scope or limitation upon execution of the search warrant in investigating the alleged federal tax violations that there was “no” limitation in executing any

search at the Salazar Dimas' premises. VRP PP 22, LL 17-25; VRP PP 23 LL 1-5.

The trial court errs in its Conclusions of Law 2 and Conclusions of Law 3, to justify the search and subsequent seizure of the evidence at issue in this regard.

A valid search warrant must describe with particularity the person or thing to be searched or seized; the search warrant must be "sufficiently definite so that the officer executing the warrant can identify the property sought with certainty." State v. Stenson, 132 Wn.2d 668 (1997); State v. Perrone, 119 Wn. 2d 538 (1992). The particularity requirement is to protect against unconstitutional general exploratory searches and prevent seizure of items that are not contained in the warrant and ensure probable cause exists for such search and seizure. State v. Legas, 20 Wn. App 535 (1978). Importantly, what is to be seized is not to be left to the discretion of law enforcement. *Id.* While a search warrant for a premise authorizes a search of containers within if the item specified in the warrant could be contained therein. State v. Simonson, 91 Wn. App. 874, 878 (1998).

There was no testimony of any nature in this record, by the sole testifying witness in the motion to suppress hearing, FBI Special Agent Schroff, that there were any items related to the gravamen of the federal

tax search warrant found in the bedroom of the premise that was searched. VRP, generally. There was no testimony that any documents, books, tangibles, computers, portable devices or any electronic or digital items of any kind, or any other items that were listed in the search warrant of items to be seized, were found at or near the bedroom, and bedside table, wherein the instant seizure and subsequent search herein was made of the opaque pill bottle in the name of another individual. VRP, generally.

The federal tax search warrant did not authorize law enforcement to search with "no" limitation, as stated here by the FBI Special Agent in explaining the intent, purpose and execution of the federal tax warrant. Without equivocation, without question, FBI Special Agent Schroof acknowledges the unfettered, unrestrained, unbridled discretion of federal law enforcement in the search of the Salazar Dimas' premise under the auspices of the federal tax warrant. The FBI Special Agent Schroof, testified perhaps hubristically, but certainly candidly and directly states there is "no" limitation on whatever search, therein, thereupon, therewith without regards to the specifics and particularity of the enabling federal tax warrant. Such stated federal law enforcement intent and purpose, with "no" limitation on search, without regards to the particulars of the enabling search warrant, and the category and specific evidence the U.S. District

Court had and seeks to authorize search and seizure thereof, and the limitations thereof, was inconsequential in the search and seizure by the federal agents because of the stated intent of “no” limitations.

The trial courts erred in its legal conclusion that State v. Higgs, 177 Wn. APP 414 (2013), is supportive the contention that a federal tax warrant was executed constitutionally. The trial court correctly notes that Higgs is not on point, but utilized the case holding as supportive of the unrestrained search by the federal agents.

Consequently, such search of the Salazar Dimas’ premise pursuant to the federal tax warrant was a general exploratory search is constitutionally invalid. US CONST AMEND IV; WA STATE CONST ART I, SECTION 7; State v. Legas, 20 Wn. App 535 (1978).

3. Plain view doctrine cannot be used to extend a general exploratory search and the justification for plain view analysis is not present.

To validate a plain view justification for the search and seizure of evidence, there must be: 1) prior justification for the intrusion; 2) evidence discovery is inadvertent; 3) law enforcement must know immediately that the evidence is incriminating. State v. Bell, 108 Wn.2d 193 (1987).

Further, plain view justification for search and seizure cannot be used to justify a general exploratory search. State v. Legas, supra.

The trial court erred in its conclusions of law contained in Conclusions 5, 6, 7, 8, 9, 10, 11, 12, which set forth conclusions about the establishment of “plain view” doctrine.

Instantly, while the federal tax search warrant provides justification for the intrusion on the Salazar Dimas premise, thus meeting the first prong, the discovery of the evidence herein was not inadvertent.

We have the testimony of the sole witness in this suppression motion directly testify as to the purpose and intent of the execution of the federal tax warrant that there was ‘no’ limitation on the execution of the search warrant. Therefore, clearly, it is not inadvertent at all: it is a purposeful law enforcement action that views the search of the premise as unrestrained and seizure of any item thereon unrestrained and any such search or seizure to be with the scope and authority of the federal tax search warrant.

Further, the third requirement of plain view justification is not present. The FBI Special Agent testified that another IRS Special Agent took possession of the opaque pill bottle, in someone else’s name, opened it, and then rummaged through plastic within the bottle to determine that

the contents of the plastic were a powdery substance, then the substance was tested. There was no immediate knowledge that the evidence was incriminating; the opaque pill bottle was opened, examined, and then the contents further altered to determine what might be in the pill bottle, and after rummaging through plastic within the pill bottle determined there was a substance within the plastic.

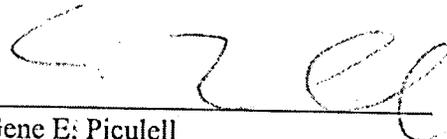
Therefore, it was not immediately known to the IRS Special Agent of the presence of a controlled substance until it was subsequent tested. Further, the record is silent as the training and experience of the IRS Special Agent as to drug/narcotics or controlled substances identification because the State did not call any witnesses except the FBI Special Agent to whom the IRS Special Agent turned over the pill-bottle following search and seizure of the pill bottle.

Therefore, there is no cognizant plain view exception to salvage the unconstitutionally impermissible unfettered, unrestrained unconstitutional general exploratory search of the Salazar Dimas' premise, pursuant to the stated purpose and intent of the FBI Special Agent of "no" limitation on the search and seizure.

E. CONCLUSION

For all of the above reasons the Court should grant the relief requested herein and reverse the trial court in allowing admissibility of such evidence challenged herein.

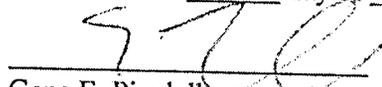
DATED this 24th day of June, 2019.


Gene E. Piculell
WSBA 20020
COUNSEL FOR APPELLANT

On this day I deposited for message service delivery with ABC Legal Messenger service, in undersigned daily legal messenger transmittal pick-up, to be served on the Thurston County Prosecutor, 2000 Lakeridge Drive S.W., Olympia, WA 98502, that contained a copy of this document and any attachments thereto.

I certify under penalty of perjury under the laws of the State of Washington that is true and correct.

Signed at Bellevue, WA, this 24th day of June, 2019


Gene E. Piculell

APPENDIX A

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
3012 93rd Avenue SW, Olympia Washington

)
)
)
)
)

Case No. MJ16-5096-02

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the Western District of Washington
(identify the person or describe the property to be searched and give its location):

3012 93rd Avenue SW, Olympia Washington, more fully described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B for List of Evidence to be Seized

YOU ARE COMMANDED to execute this warrant on or before 6-17-2016 (not to exceed 14 days)
[checked] in the daytime 6:00 a.m. to 10:00 p.m. [] at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to any U.S. Magistrate Judge in West. Dist. of Washington
(United States Magistrate Judge)

[] Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)

[] for ___ days (not to exceed 30) [] until, the facts justifying, the later specific date of _____

Date and time issued: 6/3/2016 908am

[Signature]
Judge's signature

City and state: Tacoma, Washington

David W. Christel, United States Magistrate Judge
Printed name and title

Return

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
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Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

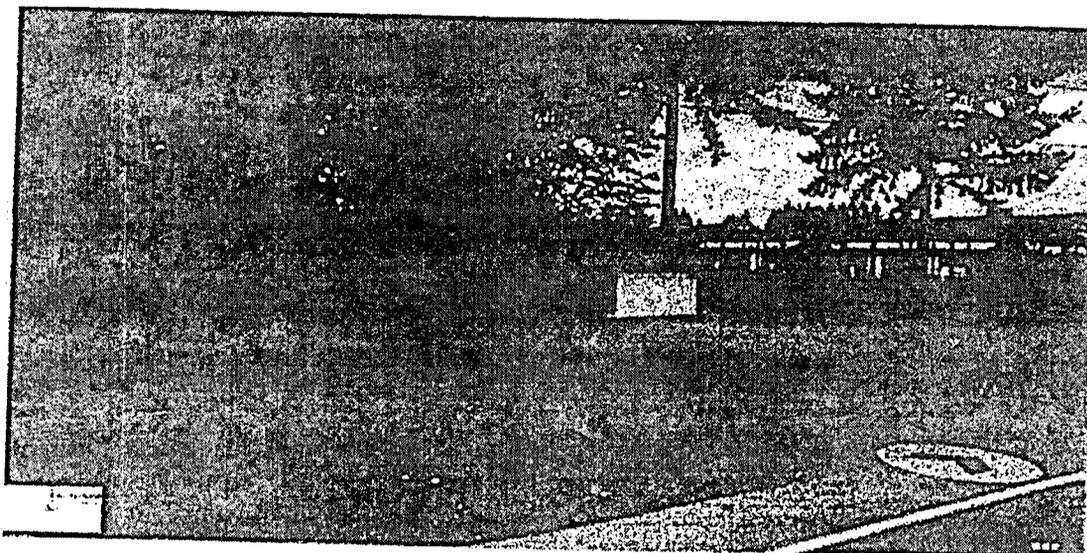
Executing officer's signature

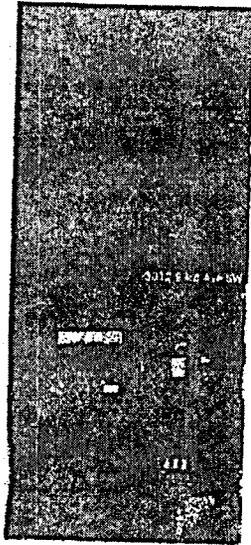
Printed name and title

ATTACHMENT A

PREMISE TO BE SEARCHED

- (2) Leonar Salazar's Residence including the garage and any outbuildings, located at 3012 93rd Avenue SW, Olympia Washington 98512. The home is a single level residence with a two car garage attached as shown below. On the mailbox in front of the house reads the numbers 3012. The main entrance to the residence is through the front door.





According to Thurston County Assessor's Office Records, the property is a 3.4 acre parcel, and photos and maps show a total of five outbuildings. And any digital devices found therein.

ATTACHMENT B
EVIDENCE TO BE SEIZED

The following records, documents, files, or materials, in whatever form, including handmade or mechanical form (such as printed, written, handwritten, or typed documents); photocopies or other photographic form; and electrical, electronic, and magnetic form (such as tapes, cassettes, hard disks, floppy disks, diskettes, compact discs, CD-ROMs, DVDs, optical discs, zip cartridges, printer buffers, smart cards, electronic notebooks, cell phones or any other storage medium) that constitute evidence, instrumentalities, or fruits of violations of 18 U.S.C. § 371 (Conspiracy to Commit Tax Evasion and to defraud the United States); 26 U.S.C. § 7201 (Tax Evasion); 26 U.S.C. § 7206(1) (Making or Subscribing False Income Tax Returns) for the time period January 2011 to the present.

- (1) All records, including but not limited to communications to or from potential purchasers or sellers, relating to any Salal, greenery, or floral distribution for the following companies:
 - Eagle Mountain Products, Inc.
- (2) All records relating to any payments or distributions to any purchasers or sellers of Salal, greenery, or floral products from or to Eagle Mountain Products, Inc., Leonar Salazar or Eulalia Salazar including but not limited to communications to purchasers, sellers and records of payments to buyers and sellers.
- (3) All corporate minute books, partnership minute books, stock registers or other records reflecting ownership of Eagle Mountain Products, Inc.
- (4) All financial statements, income tax returns, balance sheets, retained earnings, cash flow, shareholder's basis, partner's basis, payroll tax returns, excise tax returns and bookkeeper's and/or accountant's work papers used in the preparation of any such financial statements or tax returns for any of Eagle Mountain Products, Inc., Leonar Salazar, and Eulalia Salazar.
- (5) All bookkeeping and accounting records, including spreadsheets, sales journals, general ledgers, general journals, purchase journals, summaries, reconciliations, work papers relating to cash, expenditures, assets, liabilities, owner's equity, purchase of goods for resale for any of Eagle Mountain Products, Inc. or Leonar Salazar and Eulalia Salazar.
- (6) All records for any checking account, savings account, brokerage account, or credit card account for any of Eagle Mountain Products, Inc., or Leonar Salazar, and Eulalia Salazar including but not limited to all statements, deposit slips, checks deposited, checks written, wire transfers, debit and credit memos, and Forms 1099 issued.
- (7) All documents relating to the purchase, sell, rental, lease or the receipt of revenue from wholesale salal sales or from any other source, by any of Eagle Mountain Products, Inc. or Leonar Salazar, and Eulalia Salazar.

- (8) All loan records for any of Eagle Mountain Products, Inc. or Leonar Salazar, and Eulalia Salazar, including all loan applications, financial statements, credit and background investigations, loan agreements, notes or mortgages, settlement sheets, contracts, retained copies of checks issued for loans, repayment records correspondence files and internal memoranda relative to these loans.
- (9) All address books, calendars, appointment books, diaries, journals, organizers, Personal Digital Assistant "Palm Pilots" or other electronic organizers, revealing business meetings conducted by any employee of Eagle Mountain Products, Inc. or Leonar Salazar, and Eulalia Salazar.
- (10) All telephone records, including bills and toll records, for Eagle Mountain Products, Inc. or Leonar Salazar and Eulalia Salazar.
- (11) All records relating to travel outside the U.S. and the delivery of documents and other materials through the U.S. Postal Service or any common carrier, such as Federal Express, in connection with any of Eagle Mountain Products, Inc. or Leonar Salazar and Eulalia Salazar. All passports for Leonar Salazar and Eulalia Salazar.
- (12) All records, documents, keys, maps, agreements, or other items associated with any storage facilities, safety deposit boxes, mailboxes, and/or other locations where any of the foregoing evidence may be located.
- (13) All documents relating to any payments made to or money received from domestic or international sources by Leonar Salazar and Eulalia Salazar, and all documents relating to any expenditures made by Leonar Salazar and Eulalia Salazar, including all receipts for any such expenditures.
- (14) All items reflecting the income domestic and international, proceeds, expenditures or assets of Leonar Salazar and Eulalia Salazar.
- (15) Any cash located in the premises or on the persons of Leonar Salazar and Eulalia Salazar.
- (16) Digital devices and /or their components, which include, but are not limited to:
 - (a) Any digital devices and storage device capable of being used to commit, further, or store evidence of the offense listed above;
 - (b) Any digital devices used to facilitate the transmission, creation, display, encoding or storage of data, including cell phones, word processing equipment, modems, docking stations, monitors, cameras, printers, plotters, encryption devices, and optical scanners;
 - (c) Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs,

optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, and personal digital assistants;

(d) Any documentation, operating logs and reference manuals regarding the operation of the digital device or software;

(e) Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices, or data to be searched;

(f) Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and

(g) Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.

(17) From within the electronically stored evidence stored on or in any digital device seized pursuant to this warrant:

(a) Evidence of who used, owned or controlled the digital device at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, saved user names and passwords, documents, and browsing history;

(b) Evidence of software that would allow others to control the digital device such as viruses, Trojan horses, and other forms of malicious software, as well as evidence of the presence or absence of security software designed to detect malicious software;

(c) Evidence of the lack of such malicious software;

(d) Evidence of the attachment of the digital device to other storage devices or similar containers for electronic evidence;

(e) Evidence of counter-forensic programs (and associated data) that are designed to eliminate data from a digital device;

(f) Evidence of times the digital device was used;

(g) Passwords, encryption keys, and other access devices that may be necessary to access the digital device;

(h) Documentation and manuals that may be necessary to access the digital device or to conduct a forensic examination of the digital device;

(i) Any other ESI from the digital device necessary to understand how the digital device was used, the purpose of its use, who used it, and when, but limited to the individuals identified in the affidavit in support of the warrant.

THE SEIZURE OF COMPUTER SYSTEMS AND/OR THEIR COMPONENTS AS SET FORTH HEREIN IS SPECIFICALLY AUTHORIZED BY THIS SEARCH WARRANT FOR THE PURPOSE OF THE CONDUCTING OFF-SITE EXAMINATIONS OF THEIR CONTENTS FOR EVIDENCE, INSTRUMENTALITIES, OR FRUITS OF THE AFOREMENTIONED CRIMES

FILED
COURT OF APPEALS
DIVISION II

2019 JUN 28 PM 1:40

STATE OF WASHINGTON

BY [Signature]
DEPUTY

STATE OF WASHINGTON
COURT OF APPEALS
DIVISION TWO

STATE OF WASHINGTON,)	NO. 52708-1-II
)	
Respondent,)	
)	DECLARATION OF
)	SERVICE
v.)	
)	
J.LEONOR SALAZAR DIMAS,)	
)	
Appellant.)	
_____)	

I declare that undersigned's office on 6/26/2019 caused a true and correct copy of Appellant's Brief, with attachments, to be transmitted to the named individuals/offices in the manner indicated:

A copy of : APPELLANTS BRIEF, with attachments, thereto were processed for service by mail with deposit in U.S. Mail, postage pre-paid, to Appellant herein to the address as indicated herein:

Leo Salazar, P. O. Box 11113, Olympia, WA 98508.

I certify under penalty of perjury under the laws of the State of Washington that is true and correct.

Signed at Bellevue, WA, this 26th day of June, 2019

[Signature]
Gene E. Piculell