

**FILED**

AUG 21, 2012

Court of Appeals  
Division III  
State of Washington

NO. 305422-III

COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON

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THE STATE OF WASHINGTON, Respondent

v.

BRANDON SCOTT LANGFORD, Appellant

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APPEAL FROM THE SUPERIOR COURT  
FOR BENTON COUNTY

NO. 11-1-00896-1

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BRIEF OF RESPONDENT

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TABLE OF CONTENTS

TABLE OF AUTHORITIES ..... i

ARGUMENT ..... 1

1. WAS THERE SUFFICIENT EVIDENCE TO  
CONVICT THE DEFENDANT OF RESIDENTIAL  
BURGLARY UNDER RCW 9A.52.025? ..... 1

CONCLUSION ..... 4

TABLE OF AUTHORITIES

WASHINGTON CASES

*State v. Murbach*,  
68 Wn. App. 509, 843 P.2d 551 (1993) ..... 2

*State v. Neal*,  
161 Wn. App. 111, 249 P.3d 211 (2001) ..... 1

*State v. Rose*, 85791-1,  
2012 WL 3218531 (Wash. Aug. 9, 2012) ..... 3

*State v. Salinas*,  
119 Wn.2d 192, 829 P.2d 1068 (1992) ..... 3

WASHINGTON STATUTES

RCW 9A.52.025 ..... 1, 4

## ARGUMENT

### 1. WAS THERE SUFFICIENT EVIDENCE TO CONVICT THE DEFENDANT OF RESIDENTIAL BURGLARY UNDER RCW 9A.52.025?

Mr. Langford has appealed his conviction for Residential Burglary on the sole basis that "[t]here is nothing in the record, herein, to indicate the shed was anything other than a separate structure [from the residence]." (App. brief at 9). Mr. Langford then goes on to state, "the shed was not contained within a dwelling or attached to a dwelling" and therefore it does not meet the definition of "dwelling" pursuant to the statute or the cases cited in his brief. (*Emphasis added*). (App. brief at 9). In his brief, Mr. Langford concedes that case law does not require that a defendant enter an area of a building that is specifically used for lodging, and further concedes that the statutory definition of "dwelling" is satisfied as long as a portion of a building entered by the defendant during the burglary is used as lodging. *State v.*

*Neal*, 161 Wn. App. 111, 249 P.3d 211 (2001);  
*State v. Murbach*, 68 Wn. App. 509, 513, 843 P.2d  
551 (1993).

Mr. Langford's argument falls short because of his failure to review the State's Exhibit 1, three color pictures of the shed and house, which reveal that the shed and house in this case are attached by a common roof.<sup>1</sup> (EX. 1). At trial, the victim, Ms. Langford, described Exhibit 1 as follows: "This is the front of my house. And my shed, carport area." (RP 32). That photograph clearly shows that the shed, carport, and house are all attached by a common roof. (EX. 1).

The color photograph of the house and shed, which shows that the areas are attached to each other by a common roof, satisfied the State's burden to prove that the property burglarized in this case falls within the statutory definition of a dwelling. The Supreme Court of Washington

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<sup>1</sup> Mr. Langford failed to designate any of the State's Exhibits to be part of the record to be reviewed by the Court of Appeals.

has held that evidence is sufficient to support a finding of guilt if, after viewing the evidence in the light most favorable to the State, a rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. *State v. Rose*, 85791-1, 2012 WL 3218531 (Wash. Aug. 9, 2012) (citing *State v. Engel*, 166 Wn.2d 572, 576, 210 P.3d 1007 (2009)). "When sufficiency of the evidence is challenged in a criminal case, all reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant." *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

The photographs in exhibit one show that the part of the building that the defendant entered to commit theft was attached to the victim's home; therefore, the State did meet its burden to prove that element of the crime of Residential Burglary at trial.

**CONCLUSION**

There was sufficient evidence to convict the defendant of Residential Burglary under RCW 9A.52.025; therefore, the defendant's conviction should be affirmed.

**RESPECTFULLY SUBMITTED** this 21st day of August 2012.

**ANDY MILLER**  
Prosecutor

A handwritten signature in black ink, appearing to read 'AM', is written over the printed name and title of Andy Miller.

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this day I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

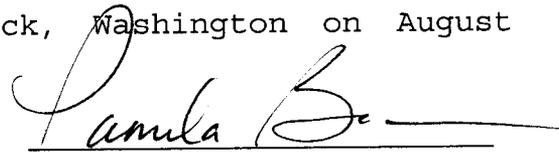
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Signed at Kennewick, Washington on August 20, 2012.

  
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