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NO. 64939-6-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

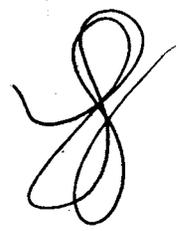
STATE OF WASHINGTON,

Respondent,

v.

ROMMEL LIDDELL,

Appellant.



APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE MICHAEL HAYDEN

BRIEF OF RESPONDENT

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A. ISSUES

1. Evidence is sufficient to support a conviction if, viewed in the light most favorable to the State, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. To prove residential burglary, the State must show that the defendant entered or remained unlawfully. The State presented evidence that Liddell was familiar with the victims' apartment, was seen outside the apartment at the time of the burglary, and was seen shortly thereafter at the house where the stolen property was recovered. Is this sufficient evidence to demonstrate that Liddell unlawfully entered the victims' apartment?

2. Properly joined offenses may be severed if the potential prejudice to the defendant outweighs the need for judicial economy. Liddell's trial lasted two days on two counts connected by both time and place. The witnesses and evidence were largely the same for both counts. The trial court instructed the jury to consider the counts separately. Under these circumstances, has Liddell failed to demonstrate the manifest prejudice required for severance?

B. STATEMENT OF THE CASE

1. PROCEDURAL FACTS.

The State charged Rommel Liddell with Residential Burglary and Domestic Violence Misdemeanor Violation of a Court Order. CP 1-2. The jury convicted Liddell as charged. CP 30-31. The trial court sentenced Liddell within the standard range on both counts, imposing 14 months for the burglary charge and suspending 12 months for the court order violation. CP 64-74; 5RP 37.¹ Additionally, the trial court imposed 24 months of probation on the court order violation charge. Id.

2. SUBSTANTIVE FACTS.

On April 29, 2009 around 8 p.m., Aurora Anderson went over to her next door neighbor, Jennifer Emanuel's, apartment to hang out. 3RP 74, 79. Anderson locked her door before leaving as her roommate, David Dunlap, was visiting family in Louisiana. 3RP 11, 74, 79. Around 9:45 p.m., Anderson heard Emanuel, who was standing outside on the balcony, invite some more people into the

¹ The Verbatim Report of Proceedings consists of five volumes with the State adopting the following reference system: 1RP (12/14/09), 2RP (12/15/09), 3RP (12/16/09), 4RP (12/17/09), and 5RP (1/29/10).

apartment. 3RP 75. Anderson peeked out the window and saw Terrence Nicholson getting out of a green Cadillac. 3RP 120.

Anderson associated the green Cadillac with Rommel Liddell, someone whom she had met a couple times before and who had hung out at her apartment. 3RP 69. Anderson thought she saw Liddell sitting behind the wheel of the Cadillac and heard Emanuel invite both Nicholson and Liddell inside. 3RP 101, 120. Only Nicholson, however, came inside because Liddell "had to go on a run." 3RP 77-78. When Nicholson entered, he started acting "very strange" and "really nervous." 3RP 77. Nicholson blamed his nervousness on an upcoming trial and stayed only 10-15 minutes before leaving. 3RP 78.

Anderson left five minutes later and arrived home to a broken door frame and a burglarized apartment. 3RP 78-79, 142. Anderson immediately noticed that Dunlap's large-screen television, sub-woofer, and video games were missing. 3RP 79, 81. Frantic, Anderson ran back to Emanuel's apartment and called 911. 3RP 80, 85. Emergency dispatch sent an officer to the scene around 10 p.m. 3RP 157.

After checking for further missing items, Anderson and Emanuel walked the quarter-mile distance to Vi Le's house to find

Nicholson and Liddell. 3RP 86-88, 161. Anderson thought that she would find Nicholson and Liddell there based on her belief that Liddell and Le were dating. 3RP 87. At Le's house, Anderson saw the same green Cadillac that she had seen a half hour before outside the Emanuel's apartment backed into a parking space with the trunk closest to the door. 3RP 24, 75, 89. Although the Cadillac was large enough to fit Dunlap's 42" television, Anderson did not see the stolen property inside. 3RP 89; 4RP 59.

As Anderson sat outside Le's house calling Dunlap, Liddell walked up behind her. 3RP 91, 110. Liddell came from the direction of Le's house and talked to Emanuel. 3RP 127. Anderson heard Emanuel ask Liddell for a cigarette and heard Liddell respond that he needed to get one from his "girlfriend." 3RP 93-94. Anderson saw Liddell go inside Le's house and return with a cigarette for Emanuel. 3RP 93. When Liddell returned, Anderson overheard Liddell ask Emanuel "[W]hy are you making my spot hot?" 3RP 92-93. Anderson and Emanuel left shortly thereafter. 3RP 110.

Anderson returned to Le's house with the police, who had responded to investigate 5-10 minutes later. 3RP 94-95. The police obtained Le's consent to search the house for Liddell, but did

not find him inside. 3RP 27-28. The police did, however, find Dunlap's large-screen television sitting unplugged on the bedroom floor, and a mound of DVDs, video games, and a video game console concealed under a comforter in another bedroom. 3RP 13, 43-44, 95, 139-40.

Police obtained a search warrant and seized the stolen property along with other pieces of evidence linking Liddell to Le's house. 3RP 40-41, 45-47, 143-44. Police found Liddell's debit card and Washington State identification card in Le's kitchen, as well as his Department of Corrections card in an upstairs bedroom closet along with men's clothing. 3RP 45-47, 143-44. Additionally, police found a court document with Liddell's name on it in Le's house. 4 RP 48-49. Police later learned that a no contact order existed and was in effect on the date of the incident, prohibiting Liddell from coming within 500' of Le or her home. 4RP 64-66.

At trial, Liddell moved to sever the residential burglary and court-order violation charges against him. CP 10-17; 1RP 29-34. The trial court denied Liddell's motion, finding that the State's evidence was similarly strong and "very much the same" on both counts. 1RP 37-38. Additionally, the court found that Liddell's defense was the same on both counts, general denial. 1RP 37.

Although the State obtained a material witness warrant for Emanuel, the State failed to locate her and introduce her testimony at trial. 1RP 1-3; 4RP 123-24. Nevertheless, both Dunlap and Anderson testified, as well as the investigating officers. Dunlap identified Liddell at trial immediately, while Anderson failed to identify him when first asked. 3RP 8-9, 68-69. Anderson stated that she was "nervous" and had never testified before, and later identified Liddell. 3RP 62, 124-25.

C. ARGUMENT

1. SUFFICIENT EVIDENCE SUPPORTS LIDDELL'S RESIDENTIAL BURGLARY CONVICTION.

On appeal, Liddell challenges his residential burglary conviction and argues that the State failed to prove beyond a reasonable doubt that he entered the victims' apartment and stole Dunlap's property. *App. Br.* at 10. Viewing the evidence in the light most favorable to the State, Liddell's argument fails. The State produced substantial circumstantial evidence that Liddell burglarized the victims' apartment.

A person is guilty of residential burglary if he enters or remains unlawfully in a dwelling with the intent to commit a crime against a person or property therein. RCW 9A.52.025(1). At trial,

the State must prove each element of the charged crime beyond a reasonable doubt. State v. Alvarez, 128 Wn.2d 1, 13, 904 P.2d 754 (1995). Evidence is sufficient to support a conviction if, viewed in a light most favorable to the State, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). "A claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that reasonably can be drawn therefrom." Id. at 201. Circumstantial and direct evidence are equally reliable. State v. Fiser, 99 Wn. App. 714, 718, 995 P.2d 107 (2000).

A reviewing court must defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. Id. at 719. The reviewing court need not be convinced of the defendant's guilt beyond a reasonable doubt, but only that there is substantial evidence in the record to support the conviction. Id. at 718.

Liddell challenges the sufficiency of the State's evidence only on the elements of unlawful entry and identity. Essentially, Liddell argues that the State produced insufficient evidence for the jury to find *him* guilty of entering the victims' apartment.

Nonetheless, "[u]nlawful entry, like any other element of a crime, may be proved by circumstantial evidence." State v. McDaniels, 39 Wn. App. 236, 240, 692 P.2d 894 (1984); State v. J.P., 130 Wn. App. 887, 893, 125 P.3d 215 (2005).

For example, in State v. Couch, 44 Wn. App. 26, 29-30, 720 P.2d 1387 (1986), the defendant claimed that the State produced insufficient evidence to prove that he or anyone else entered the burglarized tavern. The defendant argued that no one saw him inside the property or saw him leave, and that there was no evidence that anything was disturbed or taken from the tavern. Id. at 29. The court, however, upheld the defendant's burglary conviction based on circumstantial evidence that the victims saw the defendant's car parked across the street, heard someone moving around inside the tavern, and then saw the defendant climbing over the fence next to the tavern. Id. at 27-28. Viewing the evidence in the light most favorable to the State, the court held that sufficient circumstantial evidence existed for a rational trier of fact to find that the defendant unlawfully entered the tavern. Id. at 30.

Here, as in Couch, there was no direct evidence that someone saw Liddell inside the victims' apartment or saw him

leave, although there was evidence of a forced entry and stolen property. 3RP 142-43. The State produced sufficient circumstantial evidence that Liddell entered the victims' apartment and stole Dunlap's property. Both Anderson and Dunlap testified that Liddell was familiar with their apartment and had been there a few times prior to the burglary. 3RP 9, 68-69. Dunlap testified that Liddell had actually played on the Play Station 3 that was later stolen. 3RP 9.

The burglary took place over a relatively short time frame of a couple hours, rather than over the space a few days. 3RP 74-78. During those hours, Anderson saw Liddell parked outside her next door neighbor's apartment. 3RP 63, 120. A half hour later, Anderson saw Liddell outside Le's house where Dunlap's stolen property was recovered. 3RP 85-88. The short time frame separating the events, combined with Anderson's testimony that they always kept their blinds shut, strongly suggested that the burglary was an "inside job." 3RP 79. Relying on this evidence, the jury could infer that the burglar knew that the victims kept valuables inside their apartment and that the victims were not home. Nicholson's "very strange" and "nervous" behavior during

his brief visit to Emanuel's apartment and Liddell's need to "go on a run" suggested that Nicholson and Liddell had colluded to burglarize the victims. 3RP 77-78.

The fact that the stolen property was recovered shortly thereafter at Le's house, where Liddell had a close connection evidenced by the identification, papers, and arguably the clothing that he kept there, strongly suggested that Liddell had committed the crime. 4RP 46-49. Anderson's testimony that she saw Liddell outside Le's house minutes after the burglary and that she heard Liddell ask, "[W]hy are you making my place hot?" further implicated Liddell. 3RP 92. The trial court, when considering Liddell's motion to dismiss at the close of the State's case, found the fact that the stolen property was located at Le's house, a place Liddell was seen "right after the burglary" and to which he bore a close connection, "very compelling."² 4RP 85.

² At sentencing, the trial court further indicated its belief that Liddell had committed the burglary, stating, "I think you were guilty. I have no doubt having heard all the evidence, that it certainly wasn't your girlfriend that went over and picked up all that stuff and put it in the house, and there was certainly no explanation as to anybody else who could have in the very short time." 5RP 35.

Admitting the truth of the State's evidence and drawing all reasonable inferences in favor of the State, there is substantial circumstantial evidence from which a rational trier of fact could find that Liddell broke into the victims' apartment and stole Dunlap's property.

Liddell's reliance on State v. Q.D., 102 Wn.2d 19, 685 P.2d 557 (1984), and State v. Mace, 97 Wn.2d 840, 650 P.2d 217 (1982) is misplaced. Both cases stand for the proposition that a defendant's possession of stolen property alone is insufficient to prove that the defendant committed burglary. Q.D., 102 Wn.2d at 28; Mace, 97 Wn.2d at 843. Liddell, however, was never found in possession of stolen property.

Further, unlike the defendants in Q.D. and Mace, Liddell was seen outside the victim's apartment at the time of the burglary and was seen outside the house where the stolen property was stashed minutes after the burglary was discovered. Q.D. and Mace involved a different factual scenario where the State's only evidence of burglary was the defendants' possession of the victims'

stolen property.³ Here, Liddell's presence outside the victims' apartment at the time of the burglary and his presence shortly thereafter at the house storing the stolen property distinguish this case from those on which Liddell relies.

Liddell's post-conviction efforts to discredit Anderson's credibility are also misplaced. On appeal, the reviewing court must defer to the trier of fact on issues of witness credibility and conflicting testimony. Fiser, 99 Wn. App. at 719. Although Anderson could not identify Liddell when she first began testifying, Anderson later identified Liddell without hesitation. 3RP 62, 68, 124-25. Anderson correctly identified Liddell in multiple photographs and had a clear recollection of Liddell being at Le's house immediately after the burglary. 3RP 90-93, 110, 122. Despite Anderson's initial failure to identify Liddell, the jury convicted him. The Court should not

³ In Q.D., a witness testified that the defendant was seen playing with keys that looked like the ones that had been stolen and a stolen key was later found near where the defendant had been sitting. 102 Wn.2d at 21-22. In Mace, the defendant's fingerprints were found near the victims' stolen property, specifically on the outside of a McDonald's bag containing the victim's wallet and on an ATM receipt generated by using the stolen bank card. 97 Wn.2d at 842. Neither defendant was seen near the targeted location at the time of the burglary or seen near the location that *all* of the stolen property was stashed.

second-guess the jury's credibility determination. State v. Sims, 14 Wn. App. 277, 282, 539 P.2d 863 (1975), review denied, 86 Wn.2d 1010 (1976) (denying defendant's sufficiency challenge to burglary conviction based on inconsistent identification testimony).

Sufficient evidence exists in the record to support the jury's guilty finding. The Court should affirm Liddell's residential burglary conviction.

2. THE TRIAL COURT PROPERLY DENIED LIDDELL'S MOTION TO SEVER.

Liddell contends that the trial court's failure to grant his motion to sever violated his right to a fair trial. Liddell's claim is meritless. The trial court properly considered the potential prejudice resulting from joinder and concluded that judicial economy outweighed any such prejudice. At trial and now on appeal, Liddell fails to demonstrate sufficient prejudice to warrant severing the charges against him. Alternatively, if the Court finds that the trial court erred in denying severance, then the error was harmless.

CrR 4.3(a) permits joining two or more offenses of the same or similar character, even if the offenses are not part of a single

scheme or plan. Properly joined offenses, however, may be severed if the defendant is prejudiced in presenting separate defenses, or if a single trial would encourage the jury to cumulate evidence or infer a criminal disposition. State v. Watkins, 53 Wn. App. 264, 268, 766 P.2d 484 (1989). The defendant bears the burden of showing that trial on two or more counts "would be so *manifestly prejudicial* as to outweigh the concern for judicial economy." State v. Bythrow, 114 Wn.2d 713, 718, 790 P.2d 154 (1990) (emphasis added).

When weighing the potential for prejudice, the trial court must consider "(1) the strength of the State's evidence on each count; (2) the clarity of defenses as to each count; (3) court instructions to the jury to consider each count separately; and (4) the admissibility of evidence of the other charges even if not joined for trial." State v. Russell, 125 Wn.2d 24, 63, 882 P.2d 747 (1994), cert. denied, 514 U.S. 1129 (1995).

None of these factors is dispositive, and the final factor does not automatically require severance where evidence of one count is inadmissible to prove another count. Watkins, 53 Wn. App. at 272-73 n.3; Bythrow, 114 Wn.2d at 720-22; State v. Markle, 118 Wn.2d 424, 823 P.2d 1101 (1992). Any potential prejudice to the

defendant must be weighed against concerns of judicial economy. Bythrow, 114 Wn.2d at 723 (concluding that conserving judicial resources and public funds are the cornerstones of judicial economy and noting the significant savings resulting from having one courtroom, judge, and jury to empanel).

On appeal, the trial court's decision will be upheld unless it constitutes a manifest abuse of discretion. Bythrow, 114 Wn.2d at 717. A court abuses its discretion only when its decision is "manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons." State ex rel. Carroll v. Junker, 79 Wn.2d 12, 26, 482 P.2d 775 (1971). The defendant must point to specific prejudice to demonstrate an abuse of discretion. Bythrow, 114 Wn.2d at 720.

Here, the trial court considered Liddell's motion and weighed the four severance factors on the record. 1RP 37-38. The court determined that the strength of the State's case was the same on each count, that Liddell alleged the same defense of general denial on each count, and that the evidence on each count was the same with the exception of the no contact order's existence. 1RP 37-38.

The court concluded:

[I]t's all cross-related. This is not the kind of case where you have unrelated crimes being tried together. His presence at Ms. Lay's [sic] is a main piece of evidence in both cases. In both cases, he denies it . . . The cases are interrelated, and you would prove very much the same evidence in both cases except for the fact that there was the additional evidence in the no-contact order case is that [sic] there was an order saying he wasn't supposed to be there.

1RP 38. Liddell does not challenge the trial court's conclusions that the State's evidence was of similar strength and character on each count, nor does he challenge the trial court's assessment that he offered the same defense to each count.

Rather, Liddell focuses his challenge on the trial court's alleged error in assuming that "all of the evidence that was relevant to the burglary prosecution was necessarily relevant and admissible to the violation of a court-order count." *App. Br.* at 17. Although Liddell concedes that the State was entitled to introduce evidence of his relationship with Le to prove the residential burglary charge, he contends that certain evidence of their relationship would not have been admissible to prove the court-order violation charge.

Specifically, Liddell suggests that the State would not have been able to prove the court-order violation charge by introducing evidence of men's clothing in Le's upstairs bedroom closet,

photographs on Le's wall of Liddell, Le, and their child, and papers and identification belonging to Liddell. *App. Br.* at 18. Liddell cites no authority for this proposition. Further, Liddell suggests that the jury would have never known about the residential burglary if it had only considered the court-order violation charge.

In making this argument, Liddell overlooks the thrust of the State's court-order violation case against him. The State's theory of the case was that Liddell violated the court order when he stashed stolen property at Le's house. 1RP 36-37. The trial court recognized that Liddell's presence at Le's house was the "main piece of evidence" in both charges. 1RP 38.

To prove that Liddell violated the court order on the charged date, the State had to be able to introduce evidence of the sequence of events leading up to the court-order violation. Anderson and Jennifer Emanuel had no other explanation for going to Le's house on the night of the incident other than to recover stolen property. Similarly, the deputies had no reason to search Le's house for suspects or to obtain a search warrant other than to investigate the burglary earlier in the evening.

Contrary to Liddell's claims, the challenged evidence was relevant and admissible to prove the court-order violation. The

existence and location of the evidence made the likelihood that Liddell either lived, or at the very least stayed, at Le's house on the charged date more probable. ER 401; State v. Bebb, 44 Wn. App. 803, 814, 723 P.2d 512 (1986) ("Minimal logical relevancy is all that is required."), aff'd, 108 Wn.2d 515, 740 P.2d 829 (1987). Liddell provides no authority for his argument that the evidence would be inadmissible. The trial court properly concluded that the evidence was largely cross-admissible on both counts.

Nonetheless, if the Court concludes otherwise, then the lack of cross-admissibility does not automatically require severance. Bythrow, 114 Wn.2d at 720-22; Markle, 118 Wn.2d at 439. Liddell must show that "a joint trial would be so prejudicial as to outweigh concern for judicial economy." Bythrow, 114 Wn.2d at 722. Liddell has failed to make this showing at trial or on appeal.

Given the circumstances of this case, Liddell cannot show that the potential prejudice that might have resulted from admitting the challenged evidence trumped the need to conserve judicial resources and public funds. Liddell's trial lasted two days and involved the relatively simple and distinct issues of whether Liddell (1) unlawfully entered the victims' apartment and took Dunlap's property, and (2) violated the no contact order. The evidence

relating to each count was neither complicated nor difficult to compartmentalize. The State alleged that both counts occurred on the same date, within one hour and a few blocks of each other. The witnesses for both counts were substantially the same and most of the evidence overlapped.

Liddell cannot show based on this record that the trial court committed a "manifest abuse of discretion" by denying his motion to sever. See Bythrow, 114 Wn.2d at 721 ("When the issues are relatively simple and the trial lasts only a couple of days, the jury can be reasonably expected to compartmentalize the evidence. Under these circumstances, there may be no prejudicial effect") (citations omitted); State v. Kalakosky, 121 Wn.2d 525, 539, 852 P.2d 1064 (1993) (judicial economy outweighed potential prejudice resulting from joining five rape counts with separate victims based on the strength of the State's evidence, ability to compartmentalize evidence, and court's instruction to consider the crimes separately); cf. State v. Sutherby, 165 Wn.2d 870, 883-86, 204 P.2d 916 (2009) (prejudice outweighed judicial economy where the strength of the State's evidence differed on each count, the defendant offered

separate defenses, and the State argued that evidence of one count could be used to convict on another count even though the evidence was not cross-admissible).

Finally, Liddell's argument that the court's jury instructions failed to cure the alleged prejudice is meritless. The trial court properly instructed the jury to consider each count separately. CP 41 ("A separate crime is charged in each count. You must decide each count separately. Your verdict on one count should not control your verdict on any other count.").⁴ Contrary to Liddell's claims and for the reasons explained above, the challenged evidence was admissible to prove both counts. Thus, Liddell's reliance on State v. Bradford, 60 Wn. App. 857, 860-61, 808 P.2d 174, review denied, 117 Wn.2d 1003 (1991), is misplaced.⁵

Moreover, Liddell never requested the jury instruction that he now complains should have been given. Liddell argues that the jury should have been instructed to consider the evidence found at

⁴ The court's instruction mirrors the language of WPIC 3.01.

⁵ In Bradford, the trial court gave the exact instruction at issue here and then responded to a jury question about whether the jury could "consider knowledge gained from one count when deliberating on the other count." 60 Wn. App. at 860. The trial court responded, "The jury is free to determine the use to which it will put evidence presented during trial." Id. This Court held that neither the instruction nor the trial court's answer constituted error because the evidence at issue, like the evidence in this case, was cross-admissible. Id. at 861.

Le's house of his identification, documents, photographs, and clothing only to prove the residential burglary charge. But, Liddell never proposed such an instruction. The trial court did not err by failing to give a limiting instruction that Liddell never requested. State v. Rodriguez, 146 Wn.2d 260, 271, 45 P.3d 541 (2002) ("when an error can be obviated by jury instruction, the error is waived by failing to request such an instruction").

The pattern jury instruction given by the court sufficiently mitigated the prejudice of joinder by instructing the jury to decide the counts separately. CP 41. Further, the jury received separate to-convict instructions and verdict forms for each count establishing the different elements to be found and the requirement to consider the counts separately. CP 30-31, 43, 48. Based on this record, Liddell cannot show that the trial court violated his right to a fair trial on the court-order violation charge by denying his motion to sever.

Nonetheless, if the Court determines that the trial court erred, then any error was harmless. Liddell cannot show that the outcome of the court-order violation charge would have been different but for the admission of the evidence found at Le's house.

See Bythrow, 114 Wn.2d at 722 n.4 (recognizing reversal is warranted only when "the outcome of the trial would have been different had the errors not occurred").

Liddell wrongly claims that the State's sole evidence against him on the court-order violation charge was "Ms. Anderson's testimony that she saw Mr. Liddell outside Ms. Le's apartment that evening." *App. Br.* at 20. Liddell is incorrect. Anderson also testified that she saw Liddell enter Le's house to get Emanuel a cigarette on the night of the incident. 3RP 93. Liddell unquestionably violated the no contact order when he entered the protected party's home. Liddell cannot show that he would have been acquitted of the court-order violation but for the trial court's admission of the evidence found inside Le's house. Thus, the Court should find that the trial court properly denied Liddell's motion to sever.

D. CONCLUSION

Viewing the evidence in the light most favorable to the State, there is sufficient evidence to support Liddell's conviction for residential burglary. Liddell cannot show that the trial court's denial

of his severance motion amounted to a manifest abuse of discretion. Thus, the Court should affirm Liddell's convictions.

DATED this 14th day of December, 2010.

Respectfully submitted,

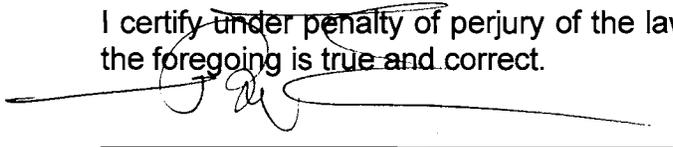
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Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Elaine L. Winters, the attorney for the appellant, at Washington Appellate Project, 701 Melbourne Tower, 1511 Third Avenue, Seattle, WA 98101, containing a copy of the Brief of Respondent, in STATE V. ROMMEL LIDDELL, Cause No. 64939-6-I, in the Court of Appeals, Division I, for the State of Washington.

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



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Done in Seattle, Washington

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