

70109-6

70109-6

NO. 70109-6-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

ABDIRAZIK MOHAMED,

Appellant.

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE MARY I. YU

BRIEF OF RESPONDENT

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APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY
THE HONORABLE MARY I. YU
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A. ISSUES PRESENTED

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 the crime of bail jumping, the State must prove that the defendant knowingly failed to appear for a hearing. The State presented evidence that defendant Abdirazik Mohamed received notice of a case setting hearing set for July 11, 2012 at 1:00 p.m.; that he appeared at that hearing at 1:00 p.m.; that after signing his case setting order, his attorney instructed him that he could not leave until they went on the record; that as a matter of normal procedure Mohamed's attorney tells his clients they cannot leave until the judge tells them they are free to go; and yet Mohamed left before his case was called at 3:13 p.m. and did not come back that day. Is this sufficient evidence to demonstrate that Mohamed knowingly failed to appear?

2. A court determines the existence of a causal connection for restitution purposes by looking to the underlying facts of the crime, not the name of the offense, and deciding if, but for the crime of conviction, the victim would not have incurred the loss at issue. Here, the State presented evidence that the victim's car had been

prowled and many personal items taken, including a GPS unit, approximately 9-11 hours after the victim locked it on the street; that someone had moved the GPS adaptor and left a bottle inside; and that fingerprints lifted from those items belonged to Mohamed. A jury acquitted Mohamed of theft in the second degree and convicted him of vehicle prowl in the second degree. Did the trial court properly exercise its discretion by finding a causal connection between the crime of conviction and the missing GPS?

B. STATEMENT OF THE CASE

1. PROCEDURAL FACTS.

Defendant Abdirazik Mohamed was charged by Amended Information with Theft in the Second Degree, Bail Jumping, and Vehicle Prowl in the Second Degree. CP 5-6. Trial by jury began on January 31, 2013. Mohamed was found guilty of Bail Jumping and Vehicle Prowl in the Second Degree; he was acquitted of Theft in the Second Degree. CP 10-12. The court imposed a standard range sentence of 4 months on the Bail Jumping charge and 30 days on the Vehicle Prowl charge; the latter was not suspended nor was probation entered. CP 38-47. The court ordered restitution in the amount of \$269.99 for a GPS. CP 56.

2. SUBSTANTIVE FACTS.

On the evening of February 18, 2012, Taylor Dodge went out with friends in Green Lake in Seattle, later driving some of them to Capitol Hill in her Volkswagen Passat. 6RP 17-18.¹ Dodge was the designated driver for the evening. 6RP 18. Sometime between 3 a.m. and 5 a.m. on February 19, 2012, she drove to her friend's home in Capitol Hill and decided to stay there because of the late hour. 6RP 18-19. Dodge parked and locked her car on the street. 6RP 19.

When Dodge returned to her car at approximately 2:00 p.m. that day, she saw a box wedged underneath her back left tire that used to be in her trunk. 6RP 20. Upon closer inspection of her car, she saw that everything had been "torn apart inside": her stereo had been ripped out, items from her trunk were scattered all about, and almost everything of value was gone. Id. Missing was the camping equipment in her trunk, her car stereo, a Garmin handheld GPS, iPod Nano, and iPod touch. 6RP 20-21. Inside, she found an energy drink bottle that had not been there when she parked the car earlier; Dodge does not drink energy drinks. 6RP 25.

¹ The Verbatim Report of Proceedings consists of nine volumes designated as follows: 1RP (May 23, 2012); 2RP (October 5, 2012); 3RP (October 10, 2012); 4RP (January 31, 2013); 5RP (February 4, 2013, a.m.); 6RP (February 5, 2013, p.m.); 7RP (February 5, 2013); 8RP (February 22, 2013); 9RP (June 4, 2013).

Seattle Police Officer Cynthia Whitlatch arrived at the scene and spoke to Dodge, who told her about the energy drink bottle and that a GPS attachment inside the car had been moved. 7RP 55-56. For these reasons, Whitlatch took fingerprints from those two items. Id. Whitlatch also took prints from a plastic container in the trunk and a pair of sunglasses. 7RP 19. Seattle Police Latent Prints Examiner Amanda Poast later identified the prints from the GPS attachment and the energy drink bottle as belonging to Mohamed. 7RP 20. Dodge does not know Mohamed and never gave him permission to be inside her car. 6RP 33.

The total original value paid by Dodge for the missing items was approximately \$2,300. 6RP 26. Because Dodge had purchased almost all of the items from Amazon, she still had many of the original invoices. 6RP 26. The cost to replace most of the electronics used turned out to be more expensive than purchasing them new, as the used versions had been discontinued and their fair market value had thus risen. Id. Dodge therefore purchased new replacement models, for a total of \$2,371.20. 6RP 27-33. The GPS unit was \$269.99 when she originally purchased it; the used price was \$404.94, a little less than the current market value of a new version. 6RP 30.

Mohamed was charged with Theft in the Second Degree.

Ex. 3. On May 23, 2012, he received written notice of a case scheduling date of June 6, 2012 at 1:00 p.m. and personally signed for receipt of that notice. Ex. 4. That same day, he also signed that he had received a copy of his conditions of release for the case, which instructed him that he was "ordered to appear personally for court hearings and for trial." Ex. 5. On June 6, 2012, Mohamed appeared for his case scheduling hearing and signed an Order Continuing Case Scheduling and Waiver of Speedy Trial, which indicated a new hearing date of June 20, 2012. Ex. 6. On June 20, 2012, Mohamed signed a second Order Continuing Case Scheduling and Waiver of Speedy Trial, indicating a new court date of July 11, 2012. Ex. 7.

On July 11, 2012, Mohamed's defense attorney, Kris Shaw, saw Mohamed in the hallway outside of Courtroom 1201 in the King County Courthouse at approximately 1:00 p.m.² 7RP 83. He talked to Mohamed that day about continuing the case setting hearing and reviewed forms with him that pertained to his case. 7RP 84. He also told Mohamed to stay and wait until the parties went on the record for the hearing. 7RP 103. Shaw recalled that Mohamed

² Shaw testified at trial that defendants are told to be at case setting at 1 p.m. 7RP 82.

appeared eager to leave. 7RP 115. Shaw believed that Mohamed was in the courtroom until at least 2:30 and was “morally certain that he wasn’t there at 3:00.” 7RP 85. The court issued a bench warrant at 3:13 p.m. for Mohamed’s failure to appear. Ex.8.

Shaw testified, that as a matter of practice, he normally talks to his clients first at case setting hearings and then checks in with the prosecutor, who is handling anywhere from 50-100 cases at that time. 7RP 90-91. Not all case setting hearings require the parties to step up to the bench to be heard, since an agreed order may simply be signed by the judge. 7RP 92-93. However, Shaw instructs his clients not to leave until the judge has signed the order and told the parties they are free to go, because the hearing is not completed until this occurs. 7RP 95-96. As Shaw affirmed, “[Y]ou never know when the judge is going to want to hear from you on a continuance, even if all the parties are agreed.” 7RP 96.

C. ARGUMENT

1. SUFFICIENT EVIDENCE SUPPORTS MOHAMED’S
CONVICTION FOR BAIL JUMPING.

Mohamed challenges the sufficiency of the evidence of his conviction for bail jumping, claiming that the State failed to prove

beyond a reasonable doubt that he knowingly failed to appear. This argument fails because the State produced substantial evidence for a rational trier of fact to find that Mohamed knew about his hearing, left the courtroom before it began, and never returned.

The due process clause of the Fourteenth Amendment to the United States Constitution requires the State to prove every element of a charged crime beyond a reasonable doubt. In re Winship, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970); 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. Goodman, 150 Wn.2d 774, 781, 83 P.3d 410 (2004).

A claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that can be drawn therefrom in the light most favorable to the State. Id. Circumstantial and direct evidence carry equal weight when reviewed by an appellate court. Id. A reviewing court must defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. State v. Fiser,

99 Wn. App. 714, 719, 995 P.2d 107, review denied, 141 Wn.2d 1023 (2000). The reviewing court need not be convinced of the defendant's guilt beyond a reasonable doubt, only that substantial evidence exists in the record to support the conviction. Id. at 718.

RCW 9A.76.160(1) defines bail jumping as follows: "Any person having been released by court order or admitted to bail before any court of this state, . . . and who fails to appear or who fails to surrender for service of sentence as required is guilty of bail jumping." The classification of the crime of bail jumping depends on the classification of the crime for which the defendant was released by court order or admitted to bail. RCW 9A.76.160(3).

The State can meet the elements of bail jumping if it can prove that the defendant: "(1) was held for, charged with, or convicted of a particular crime; (2) was released by court order or admitted to bail with the requirement of a subsequent personal appearance; and, (3) knowingly failed to appear as required." State v. Williams, 162 Wn.2d 177, 183-84, 170 P.3d 30 (2007). This Court has further defined failure to appear as an instance where someone "fails to appear *before the court* as required." State v. Coleman, 155 Wn. App. 951, 964, 231 P.3d 212 (2010) (emphasis added).

The evidence presented at trial was sufficient to permit a rational trier of fact to find that Mohamed knowingly failed to appear for the July 11 hearing. By the time Mohamed arrived at 1:00 p.m. that day, he well knew the procedure for case setting hearings; he had already attended two such court dates, receiving notice beforehand and signing for receipt each time, and showing up as required on June 6, June 20, and, briefly, July 11. Ex. 4, 7, 8. He had received conditions of release that told him that he was “ordered to appear personally for court hearings.” Ex. 5. Each case setting order he received stated: “Defendant shall be present at the next hearing.” Ex. 6, 7.

Mohamed’s attorney testified that, as a matter of course, he told his clients that hearings were not over until the judge signed the order and told the parties they were free to go. 7RP 95-96. Shaw specifically remembered telling Mohamed to wait until the judge called the case on the record. 7RP 103. And yet, Mohamed left sometime between 2:30 and 3:00 p.m. 7RP 85. By the time the case was called on the record at 3:13 p.m., it was clear that Mohamed had failed to appear. Ex. 9.

Mohamed contends that because he was present at 1 p.m. until 2:30 p.m., he “appeared” for the hearing and thus satisfied his

legal obligation, regardless of whether or not he was present for the part of the hearing where his case was actually heard. App. Br. 6. If one were to follow this argument to its logical conclusion, defendants would never have to be present in the courtroom for their actual, substantive hearings; they could simply show up for the first few minutes and then leave, having “appeared.” This cannot be what the legislature envisioned. Courts would never be able to conduct substantive hearings if this were the case; a defendant would essentially be able to dictate the terms of his appearance.

Mohamed cites to Coleman to support his argument. App. Br. 6. But Coleman involved a situation where a defendant was given notice to appear at 9:00 a.m. yet was found to have failed to appear at 8:30 a.m., before the time he was even legally obligated to appear. 155 Wn. App. at 963-64. That is clearly not the case here, where Mohamed left *after* the case setting calendar began and before the court had even called his case. Indeed, Mohamed does not benefit from the language in Coleman, which clarifies that the requirement to appear is one in which a defendant must “appear *before the court as required*,” i.e., *in front of the court* for a specific hearing, under its requirements, not simply at a self-chosen window of time. Id. at 964. The evidence was

sufficient to establish that Mohamed failed to appear, and this Court should affirm his conviction for bail jumping.

2. THE TRIAL COURT PROPERLY FOUND A CAUSAL CONNECTION BETWEEN THE VICTIM'S LOSS AND THE CRIME OF CONVICTION.

Mohamed argues that the trial court erred by imposing restitution for the GPS unit because a causal connection does not exist between victim Dodge's loss and vehicle prowl in the second degree, the crime of conviction. He contends that his acquittal on the theft charge necessarily precludes restitution for missing items in the car. His claim should be rejected. The record is sufficient to establish a causal connection between the crime of conviction and the loss of the GPS, regardless of the jury verdict.

A trial court's decision to award restitution is within the discretion of the trial court and will be upheld on appeal absent an abuse of discretion. State v. Deskins, 180 Wn.2d 68, 77, 322 P.3d 780 (2014). An abuse of discretion occurs only when a court's decision is "manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons." Id.

A court's power to order restitution is derived solely from statute. State v. Gray, 174 Wn.2d 920, 924, 280 P.3d 1110 (2012).

The authority to order restitution for misdemeanor crimes is found in three different statutes: RCW 9.92.060; RCW 9.95.210; and RCW 9A.20.030.³ State v. Thomas, 138 Wn. App. 78, 81-82, 155 P.3d 998 (2007). RCW 9.92.060 and 9.95.210 both allow courts to order misdemeanants to pay restitution, the former as a condition of a suspended sentence and the latter as a condition of probation. Id. at n.1, n.2, see also State v. Soderholm, 68 Wn. App. 363, 377, 842 P.2d 1039 (1993). RCW 9A.20.030(1) allows a court to impose restitution in lieu of a fine and reads, in relevant part:

If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof . . . the court, in lieu of imposing the fine authorized for the offense under RCW 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime . . . to provide restitution to the victim at the order of the court.⁴

The legislature intended to grant broad powers of restitution to the courts through the various restitution statutes.

³ Mohamed erroneously cites to RCW 9.94A.753 as the governing statutory scheme for restitution here. However, the restitution order here arises out of a conviction for vehicle prowl, a gross misdemeanor; contrary to Mohamed's contention, the SRA only applies to felonies. State v. Marks, 95 Wn. App. 537, 539, 977 P.2d 606 (1999).

⁴ Unlike the restitution authority administered under the misdemeanor probation and suspended sentence statutes, which are considered remedial, RCW 9A.20.030 is "an additional sentencing option" and a "penal statute." State v. Barnett, 36 Wn. App. 560, 562, 675 P.2d 626 (1984).

State v. Davison, 116 Wn.2d 917, 920, 809 P.2d 1374 (1991). This includes restitution for misdemeanors, where courts have found that “to implement legislative intent, we must interpret these statutes broadly to allow restitution.” Thomas, 138 Wn. App. at 82. When discussing RCW 9A.20.030 in particular, this Court has expressed that “[r]estitution is an integral part of the Washington system of criminal justice both for felonies and misdemeanors” and there exists “a strong public policy to provide restitution whenever possible.” State v. Shanahan, 69 Wn. App. 512, 517-18, 849 P.2d 1239 (1993). Therefore, statutes authorizing restitution should not be given an overly technical construction that would permit a defendant to escape from just punishment. State v. Tobin, 161 Wn.2d 517, 524, 166 P.3d 1167 (2007).

As a general rule, the court must find that there is a “causal connection” between the victim’s losses and the crime charged before it can order restitution. State v. Griffith, 164 Wn.2d 960, 965, 195 P.3d 506 (2008). “Losses are causally connected if, but for the charged crime, the victim would not have incurred the loss.” Id. at 966. When determining whether a causal connection exists, courts consider the underlying facts of the charged offense, rather than the name of the crime to which the defendant pled guilty. Id.,

see also State v. S.T., 139 Wn. App. 915, 920, 163 P.3d 796 (2007) (“Limiting restitution by the definition of the crime of which the defendant was convicted would severely restrict a prosecutor’s ability to negotiate settlements and would not serve the interest of restoring a victim’s loss”). In making this determination, the sentencing court may rely on information that is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of the sentencing. State v. Dedonado, 99 Wn. App. 251, 256, 991 P.2d 1216 (2000).

The courts’ instruction to look to the underlying facts of the offense rather than limiting the causation analysis to the name of the crime makes sense, given the highly fact-specific nature of a “but for” inquiry. See e.g., State v. Landrum, 66 Wn. App. 791, 799-800, 832 P.2d 1359 (1992) (causal connection exists between the crime of assault in the fourth degree and counseling costs for a sexual assault victim where the facts indicated the touching was sexual in nature); S.T., 139 Wn. App. at 919-21 (a plea to attempted taking of a motor vehicle supported restitution for items missing from the car because “the only person known to be illegally involved with the vehicle was S.T.” despite the car having been taken two days before S.T. was found inside the car).

The doctrine of underlying facts can be found to justify restitution awards in burglary cases, where courts routinely order restitution for lost property without requiring a separate charge for the actual taking/possession of property; restitution will instead be ordered where the facts support a finding by a preponderance that but for the burglary, the victim would not have incurred the loss. See e.g., Griffith, 164 Wn.2d at 967 (finding that, had the defendant pleaded guilty to burglary instead of possession of stolen property, she would have been liable for all property lost during the burglary); State v. Dauenhauer, 103 Wn. App. 373, 379, 12 P.3d 661 (2000) (noting that property losses from storage units in a burglary are damages considered to be part of the burglary charge); Matter of Gardner, 84 Wn.2d 504, 508, 617 P.2d 1001 (1980) (finding appropriate restitution under RCW 9A.20.030 for unrecovered property in a burglary charge).

The causal connection for property loss in burglary cases is particularly pertinent given the nearly identical language in the vehicle prowl and various burglary statutes. RCW 9A.52.030 states that a person is guilty of burglary in the second degree "if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a building other than a vehicle

or a dwelling.” RCW 9A.52.025 defines residential burglary as occurring “if, with intent to commit a crime against a person or property therein, [a] person enters or remains unlawfully in a dwelling other than a vehicle.” Similarly, a person is guilty of vehicle prowl in the second degree under RCW 9A.52.100 “if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a vehicle other than a motor home.” None of these statutes contemplates an actual taking of property, only an unlawful entry with the intent to commit a crime against person or property therein. It is the underlying facts doctrine that facilitates the finding of a causal connection for purposes of restitution.

Nor does a jury’s acquittal on a particular criminal charge necessarily prevent a trial court finding, at a restitution hearing, of a sufficient causal connection to find the defendant liable for damages associated with that charge. Thomas, 138 Wn. App. at 83. This is due to the differing burdens of proof at trial versus sentencing: the State bears the burden at trial to prove the charges beyond a reasonable doubt, while the burden of proof for establishing causation for restitution purposes is only a preponderance of the evidence. Id. In Thomas, a jury failed to

convict the defendant of vehicular assault, and instead found her guilty of driving under the influence. Id. at 80-81. The sentencing court nonetheless engaged in a causation analysis at the restitution hearing and found by a preponderance that the assault victim would not have been injured but for the defendant's DUI.⁵ Id. at 83.

The Court of Appeals affirmed the award, holding that the acquittal did not automatically strip the court of its ability to order restitution for the vehicular assault victim's injuries because of the lower standard of proof required: "The jury's failure to be convinced *beyond a reasonable doubt* that Thomas's DUI caused [victim] Wohlgemuth's injuries is neither a legal nor a factual bar to the trial court finding, at a restitution hearing, that Thomas' DUI probably caused those same injuries." Id. (emphasis in original).

Here, there is a sufficient causal connection justifying restitution for the missing GPS unit in Taylor Dodge's car. First, it should be noted that because the trial court did not impose probation or a suspended sentence on the gross misdemeanor of vehicle prowl in the second degree, the operative restitution statute

⁵ The reviewing court discussed all three misdemeanor restitution statutes but found that restitution had been administered under RCW 9.92.060 ad 9.95.210 because the sentencing court had imposed a suspended sentence and probation.

is RCW 9A.20.030, not RCW 9.94A.753 as cited by Mohamed.

App. Br. 7.

We next engage in the general causation analysis. Here, during the 7-8 hour window of time that Dodge's car was left unattended, Mohamed left his fingerprints on the GPS attachment inside the car, which had been moved from its original spot, and also left an energy drink bottle with his fingerprints on it inside. The GPS itself was missing, as well as numerous other personal property items. Dodge testified that she did not know Mohamed nor did she ever give him permission to be inside her car, eliminating the possibility that he had touched her GPS attachment for any lawful purpose. As in S.T., Mohamed was the only person known to be illegally involved with the vehicle. 139 Wn. App. at 919-21. S.T. was charged with taking the vehicle but not the items, but was nevertheless charged restitution for all the missing items despite being found in the car two days after it was reported stolen. Id. Here, the window of time was much shorter – mere hours.

Mohamed's conviction for vehicle prowl in the second degree established beyond a reasonable doubt that he entered Dodge's vehicle with the intent to commit a crime against a person or property therein. It was in the context of that unlawful entry that

items disappeared. Furthermore, he left his fingerprints on part of the still-unrecovered GPS unit. As is frequently found in burglary cases, these facts support a finding by a preponderance of the evidence that but for Mohamed's unlawful entry into the car, with the intent of committing a crime inside, Dodge would not have suffered the loss of her GPS unit.

The jury's acquittal on the charge of theft in the second degree does not preclude this finding. Mohamed argues that the jury "affirmatively found the State did not to [sic] prove that Mr. Mohamed was responsible for any of the items missing from Ms. Dodge's car." App. Br. 9. The jury did nothing of the sort. If anything, there is a reasonable inference that the jury, in convicting Mohamed of vehicle prowl based on the presence of his fingerprints inside the car, believed him to be liable only for stealing the GPS unit, whose value was far below the required element of \$750 in the felony theft charge. Because no jury instruction was offered for the lesser included of theft in the third degree, the jury could not have found Mohamed liable for the degree of theft charged. CP 13-37. Furthermore, as held in Thomas, an acquittal where the burden of proof is the highest possible does not in any way present a legal or factual bar to a preponderance finding of causation.

Mohamed cites to three cases to support his claim that the loss of the GPS is unrelated to his crime of conviction: State v. Miszak, 69 Wn. App. 426, 848 P.2d 1329 (1993); State v. Johnson, 69 Wn. App. 189, 847 P.2d 960 (1993); and State v. Osborne, 140 Wn. App. 38, 163 P.3d 799 (2007). All three cases are inapposite and can be distinguished on their facts.

In Miszak, the trial court had ordered restitution for 13 items stolen over a period of months even though the defendant had only pleaded guilty to a single count of theft occurring on one day. 69 Wn. App. at 429. The appellate court held that an order of restitution cannot be based on a defendant's "general scheme" or separate, uncharged incidents merely "connected with" the crime charged. Id. at 428-29. In Johnson, the defendant was charged with and pleaded guilty to embezzlement of checks and currency; the court nevertheless ordered restitution for a missing tool and photographs. 69 Wn. App. at 190-91. In Osborne, the defendant pleaded guilty to two counts of assault against two separate victims in exchange for the dismissal of charges of kidnapping and robbery against a third victim; the court nevertheless ordered restitution for damages to that third victim. 140 Wn. App. at 40. According to Mohamed, Johnson and Osborne stand for the proposition that a

court cannot award restitution “beyond the crime charged.”

App. Br. 8-9.

Unlike the cases above, however, the facts here do not involve multiple uncharged crimes committed over a period of months, multiple victims, or items that were wholly unrelated to the underlying facts of the crime of conviction. This case involves restitution for a single item among many items taken during a single 7-8 hour period, during which the defendant was found to have broken into the car with intent to commit a crime inside and left fingerprints behind. The fact that Mohamed was found guilty of the vehicle prowling does not change the nature of the underlying crime or convert the loss of the GPS to an “uncharged crime.”

Mohamed’s reliance on two other cases to illustrate the lack of a causal connection in his own case is equally misplaced. App. Br. 9. In Dauenhauer, the court erroneously ordered restitution for a fence damaged during the defendant’s attempt to escape following the burglary for which he was convicted. 103 Wn. App. at 377-80. State v. Oakley also involved an improper award for damage to a garage door after a defendant tried to flee following his commission elsewhere of a drive-by shooting. 158 Wn. App. 544, 242 P.3d 886 (2010). Neither of these cases applies to the

case at hand, which contains no facts regarding damages inflicted during an escape.

Sufficient evidence existed supporting a causal connection between the crime of conviction and the missing GPS unit. The trial court acted within its discretion in ordering restitution for that single item.

D. CONCLUSION

For all of the foregoing reasons, the State respectfully asks this Court to affirm Mohamed's conviction and sentence.

DATED this 2 day of June, 2014.

Respectfully submitted,

DANIEL T. SATTERBERG
King County Prosecuting Attorney

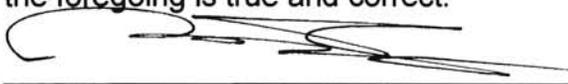
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Office WSBA #91002

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 Sarah Hrobsky, the attorney for the appellant, at Washington Appellate Project, 701 Melbourne Tower, 1511 Third Avenue, Seattle, WA 98101, containing a copy of the Notice of Appearance, in STATE V. ABDIRAZIK MOHAMED, Cause No. 70109-6-1, 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.



Name
Done in Seattle, Washington

06/02/14
Date

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
20th JUN -2 PM 3:13