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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

DEIRDRIK EUGENE BRADFORD,

Defendant and Appellant.

G050401

(Super. Ct. Nos. RIF1200548 &  
SWF026670)

O P I N I O N

Appeal from a judgment of the Superior Court of Riverside County, Gary  
B. Tranbarger, Judge. Affirmed.

Jennifer A. Gambale, under appointment by the Court of Appeal, for  
Defendant and Appellant.

Kamala D. Harris, Attorney General, Julie L. Garland, Assistant Attorney  
General, Eric A. Swenson and Michael Joseph Benke, Deputy Attorneys General, for  
Plaintiff and Respondent.

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A jury convicted defendant Deirdrick Eugene Bradford of forgery (Pen. Code, § 470, subd. (d); count 1; all further undesignated statutory references are to this code) and unauthorized use of another's identifying information (§ 530.5, subd. (a); count 2). The court also found defendant in violation of probation imposed for a prior conviction. He was sentenced to three years on count 1 and two years concurrent on count 2, with two years to be served in custody and one year on supervised release. On the probation violation, the court vacated probation and sentenced him to eight months in jail, consecutive to the penalty imposed for the charged crimes.

In his appeal defendant contends the court erred in admitting evidence of his earlier involvement in a similar scheme. He also argues there was insufficient evidence to support the guilty verdicts. We disagree with both contentions and affirm the judgment.

## FACTS

Ambra Vargas owned a house in Menifee. When she purchased it, her name was Ambra Perez and the title documents contained that name. Later Vargas moved to San Diego and kept the Menifee house as rental property. She had several tenants but in 2010 the last tenant vacated the premises.

She then decided to move back into the Menifee house with her brother. The brother went there to make the house ready. He found indications the house was occupied and saw a male at the house. Vargas confirmed the house was occupied and called the police. Two officers arrived and talked to an occupant. Defendant was standing outside and told one of the officers he and his girlfriend rented the property and lived there. One of the officers came to Vargas and told her the occupants claimed to have a lease. She denied having leased the house. One of the occupants handed the purported rental agreement to a police officer. The officers declined to evict the

occupants. Vargas also reviewed the document. It carried the signature of “Ambra Perez.” Vargas denied the signature was hers, would not have used the name Perez, and was unacquainted with the names of the tenants on the document. The officers suggested she work out something with the occupants and she thereupon agreed they could stay three more weeks.

A month or so later, the occupants were still there. Eventually Vargas served the occupants with a notice to pay or quit. When she served the notice, the door was answered by defendant. Later the residence went into foreclosure as Vargas could no longer afford the mortgage payments.

During a subsequent search of the premises, officers discovered photos of defendant and his girlfriend, mail addressed to defendant at the address of the house, men’s clothing, and a bicycle owned by him. A car registered to defendant was parked in the garage. Inside the car was the rental agreement purportedly signed by Perez.

While occupying the house, defendant arranged for various utility services, using the social security number and name of his sister-in-law. Except for the use of this information to obtain electric service at a different location, she did not authorize this.

## DISCUSSION

### *1. Sufficiency of the Evidence*

Defendant contends “[t]he prosecutor presented no evidence that [he] (1) ever obtained or unlawfully used Ambra Vargas’ personal information or (2) knowingly passed a forged rental agreement in her name.” We address the second contention first.

#### *a. Forgery of Rental Document*

The crime of which defendant was convicted is described in section 470, subdivision (d): “Every person who, with the intent to defraud, falsely makes, alters,

forges, or counterfeits, utters, publishes, passes or attempts or offers to pass, as true and genuine, any of the following items, knowing the same to be false, altered, forged, or counterfeited, is guilty of forgery: any . . . contract for money or other property . . . or any . . . other power to . . . let, lease, dispose of, alien[ate], or convey any goods, chattels, lands, or tenements, or other estate, real or personal . . .” We agree with defendant that the evidence must show “(1) the defendant passed or attempted to pass a forged rental agreement, (2) the defendant knew the rental agreement was forged, and (3) when the defendant passed or attempted to pass the rental agreement he intended the document be accepted as genuine and attempted [to] defraud another with the use of the document.”

In support of his argument, defendant relies on *People v. Swope* (1969) 269 Cal.App.2d 140 (*Swope*). In *Swope*, the defendant was convicted of forgery. The evidence showed defendant used a check made out to and purporting to bear the endorsement of one Grennan. The defendant then endorsed the check and used it to purchase an automobile. The Court of Appeal reversed, holding the prosecution had failed “to show either that the defendant signed Grennan’s name as an endorser of the check or that he uttered the check knowing that Grennan’s name endorsed thereon was a forgery.” (*Id.* at p. 144.) But, citing *People v. Rosborough* (1960) 178 Cal.App.2d 156, 163, the court noted that “possession of a forged instrument plus slight corroborative evidence of other inculpatory circumstances will suffice to show knowledge of the spurious character of the instrument.” (*Id.* at p. 145.) Thus, “while it was shown that the defendant had possession of the spurious instrument, there [was] a total lack of evidence of other inculpatory circumstances which might tend to show knowledge on his part that the endorsement of Grennan had been forged.” (*Ibid.*)

The corroboration requirement is what distinguishes the present case from *Swope*. The fact that Perez’s signature on the purported rental agreement was a forgery is undisputed. As the Attorney General notes, defendant either passed the document to Vargas or aided and abetted the women in doing so. This was a representation of the

genuineness of the document. The document was later found in defendant's car. Defendant failed to vacate the house for a substantial period after the initial encounter with Vargas. All of this provides inculpatory evidence of intent to defraud the owner of her house, as was the evidence defendant misused his sister-in-law's identity and social security number to obtain electricity, gas, and other utilities at the house. These facts constitute circumstantial evidence defendant knew the "rental agreement" he purported to rely on was forgery. This evidence supports his conviction on count 1.

*b. Unauthorized Use of Another's Identifying Information*

The evidence noted above demonstrates defendant misused his victim's previous name, Perez, on the fictitious rental agreement. Nothing suggests he had permission to do so.

"In order to violate section 530.5, subdivision (a), a defendant must both (1) obtain personal identifying information, and (2) use that information for an unlawful purpose. [Citation.] Thus, it is the use of the identifying information for an unlawful purpose that completes the crime and each separate use constitutes a new crime." (*People v. Mitchell* (2008) 164 Cal.App.4th 442, 455, citing *People v. Tillotson* (2007) 157 Cal.App.4th 517, 533.) The evidence shows defendant obtained the name Ambra Perez, the application previously use by Vargas, which appeared on the deed to the property and used that information to support his unlawful occupation of Vargas's house. Substantial evidence supports the violation of section 530.5, subdivision (a).

*2. Admission of Defendant's Prior Misconduct*

Detective Lance Colmer testified he interviewed defendant earlier in connection with a "rent skimming" investigation. He defined "rent skimming" as "when a suspect finds a residential property that's vacant or foreclosed and pretends to have some sort of legal interest to possess or occupy that house and then rents the house out to

an unsuspecting victim, collects rent payments, collects a first and last month's rent, collects some kind of monetary amount, and may even continue to collect rent until a real estate agent or the bank goes to the house and tells the victim that's living in there, hey, this is a foreclosed house. You shouldn't be in here. [¶] And so the scam occurs when the suspect takes those rental payments when they have no legal authority to . . . do so 'cause they have no legal interest or right to possess or occupy that house."

During the interview, defendant admitted he had arranged for a house to be rented to one Mignon Lewis. The house was in foreclosure. Defendant claimed he had authority to rent out the house from the owner, whom he identified as Kevin Lee. A title search failed to show that Lee was the owner. Although defendant said he was employed by Lee, he was unable to show any documentation to substantiate his claim or that Lee actually existed. Defendant was convicted of a misdemeanor in connection with this conduct.

The prosecutor filed an in limine motion asking the court to allow him to introduce this evidence. Defendant moved to have it excluded. The court ruled the evidence was admissible under Evidence Code section 1101, subdivision (b), concluding "those events are sufficiently similar to these charged acts. They are relevant on the subject of intent, on the issue of lack of mistake, and common plan and scheme." It also ruled the jury would not be told of the misdemeanor conviction.

The court instructed the jury with respect to this evidence: "If you decide that the defendant committed the uncharged act, you may, but are not required to consider that evidence for the limited purpose of deciding whether or not the defendant believed in good faith that the rental agreement in this [case] was signed by the true owner of the property. [¶] In evaluating this evidence, consider the similarity or lack of similarity between the uncharged act and the charged offense. [¶] Do not consider this evidence for any other purpose. [¶] Do not conclude from this evidence that the defendant has a bad character or is disposed to commit crime. [¶] If you conclude that the defendant

committed the uncharged act, that conclusion is only one factor to consider along with all the other evidence. It is not sufficient by itself to prove that the defendant is guilty of any charged crime. The People must still prove each charge beyond a reasonable doubt.”

Defendant claims the evidence “was irrelevant and not evidence of any prior bad act.” Citing *People v. Scheid* (1997) 16 Cal.4th 1, defendant acknowledges a trial court “has broad discretion in determining the relevance of evidence [citations], but lacks discretion to admit irrelevant evidence.” (*Id.* at p. 14) Here the court did not abuse its discretion as the evidence was clearly relevant. Defendant’s prior involvement in a rent skimming operation demonstrated his understanding of such a scheme, his intent in engaging in it, and common design. Defendant argues the prior incident must be distinguished because there was no evidence he knew the house involved in the earlier transaction was in foreclosure. Neither was the house here; in any event, this fact does not detract from the implication defendant had arranged the rental, other than his name, and had been unable to identify the person whom he claimed was the owner. Nor could defendant provide any evidence to support his contention he was employed by the mysterious Mr. Lee. “In order to be admissible to prove intent, the uncharged misconduct must be sufficiently similar to the charged offense to support the inference that the defendant probably acted with the same intent in each instance.” (*People v. Lindberg* (2008) 45 Cal.4th 1, 23.) Here there was substantial similarity.

Defendant relies on *People v. Long* (1970) 7 Cal.App.3d 586, which reversed the defendant’s conviction because the trial court had admitted evidence of three forgeries committed by his brother. But there, the court noted, “The vice of the prosecution’s tactic lay in its failure to produce substantial evidence of defendant’s complicity in the other three forgeries.” (*Id.* at p. 591.) This case does not present a similar situation; here, defendant was admittedly involved in the earlier rent skimming operation.

DISPOSITION

The judgment is affirmed.

RYLAARSDAM, ACTING P. J.

WE CONCUR:

MOORE, J.

THOMPSON, J.