

February 05 2020 2:03 PM

KEVIN STOCK  
COUNTY CLERK

1  
2  
3  
4  
5  
6  
7 **SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

8 STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 20-1-00521-7

DECLARATION FOR  
DETERMINATION OF  
PROBABLE CAUSE  
(ADPC)

9 vs.

10 WESTON MILES WILEY,

Defendant.

11 DOB: 02/19/1975

12 H. EBEN GORBATY declares under penalty of perjury:

13 That I am a deputy prosecuting attorney for Pierce County and I am familiar with  
14 the police report and/or investigation conducted by the AUBURN PD, incident number  
2000557;

15 That the police report and/or investigation provided me the following information;

16 That in Pierce County, Washington, on or about December 25, 2019, the  
17 defendant, WESTON MILES WILEY, did commit the crimes of Burglary in the second  
18 degree and Theft in the first degree. On or about January 15, 2020, the defendant  
19 committed the crime of Burglary in the second degree, and on or about February 4,  
2020, the defendant committed the crime of Unlawful possession of a controlled  
20 substance.

21 Hagggen Foods, 1406 Lake Tapps Parkway SE in Auburn, Washington is in Pierce  
22 County, Washington.

23 On **December 25, 2019** the store was closed. On December 26, employees called  
24 Auburn PD to report that the store had been burglarized. Store surveillance video  
25 showed an individual in the store on December 25, collecting merchandise from the  
26 store and loading the merchandise into a basket. Among the items taken: approximately  
\$6500 worth of cigarettes. Auburn PD arrived and took a report, but "based on the lack  
of evidence at [that] time it [was] unknown how the subject entered and exited the  
store." Subsequent investigation over the next several days showed that the burglar  
had entered the store through the ceiling. Officers found ropes attached to the roof

1 which did not belong to Hagggen. The ceiling fan belt inside the crawl space had been  
2 damaged. Officers found gloves and knee pads and a pair of pliers in the crawl space.  
3 The damage repair was estimated to cost \$4,729.56 to fix.

4 On **January 15, 2020**, an employee of the in-store Starbucks arrived to work in the  
5 morning. At about 4:30 a.m. she opened a storage closet and looked up to see that a  
6 ceiling tile was missing. Looking into the crawl space the employee partially saw a man.  
7 She closed the door, told her co-workers and called 911. Auburn PD responded with a  
8 K-9 Unit. The officers looked for the suspect in the crawl space but couldn't find him. In  
9 the ceiling area above the storage closet they found a small camera - an improvised  
10 scope, about 3 feet long, attached to a wired flexible head with a butter knife and  
11 electrical tape. Even while they searched, another employee saw the suspect briefly  
12 poke his head out of a small access portal in the store's cashier's room. The officers  
13 continued to search, and found, above the bathroom, empty beer cans and gloves but  
14 they could not find the suspect. Later the same day, around 1:00 p.m. an employee  
15 reported that the suspect's leg had fallen through a ceiling tile near the meat  
16 department. There was also an opening in the sheet rock in the southern wall of the  
17 store. A repairman who arrived to fix the hole shone his flashlight through hole and  
18 briefly caught a glimpse of the suspect. But the suspect was not apprehended. Based  
19 on the videos, the sightings and the logistics involved in navigating the crawl space, the  
20 officers suspected the defendant would have to be small but athletic. The damage repair  
21 for the additional damage to the store, was estimated to cost \$8,450 to fix.

22 In the following days officers found more items in the crawl space including a backpack  
23 with some personal belongings, a cigarette pack (of the kind taken in the December 25  
24 burglary.)

25 By now, the video surveillance tape of the December 25 burglary had been broadcast  
26 on television. While in the video the suspect's head and face was covered, the Auburn  
Police received reliable tips from two individuals, each separately acquainted with the  
defendant, each of whom stated that she thought she knew the identity of the suspect -  
based on the clothing, the size and shape of the defendant the defendant's  
mannerisms, etc.

27 One of the individuals is [REDACTED]. She has known the defendant for 20  
28 years. They have a 14 year old son in common. On Christmas day (the day of the first  
29 burglary) Ms. [REDACTED]'s son received a call from the defendant (who apparently had  
30 meant to call someone else.) In the call the defendant said he had a large amount of  
31 cigarettes for sale. He recently sent Ms. [REDACTED] a picture of a large block of cheese  
32 - the kind sold by Hagggen - asking her if she knows anyone who wants to buy it,  
33 writing, in part, "...long story \$625, 2 wheels."

34 The defendant lives less than 3 miles from the store. Per DOL, he is 5'6" and 125 lbs.  
35 He has a background in construction work. Per Ms. [REDACTED], the defendant recently  
36 lost his business, and is now unemployed. His father died recently; he is depressed;  
he's using drugs.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

On **February 4, 2020**, based on the foregoing and other evidence, the police applied for and executed a search warrant of the defendant's residence, 4 [REDACTED] - A st. SE, [REDACTED] Auburn. The defendant was home. He was arrested. On his person officers found suspected methamphetamine, with an "unpackaged weight of 2.2 grams." In the home officers found clothing and a bag that matched the clothes and bag seen in the surveillance video. They found a big block of cheese with a Hagggen price tag. They found 18 packs of cigarettes, of the type stolen from Haggens on December 24, 2019. The defendant was asked several questions about the burglaries. He did not admit participating, but appeared to be evasive, hair-splitting, etc. For example when asked if the boots at the residence were the ones he wore in the burglary, the defendant was quiet for several moments before saying that the footwear was his "shoes." When asked how he got into the store on December 25, the defendant said that someone could get in by going through the roof, adding, "That's how I would do it."

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: February 5, 2020.  
PLACE: TACOMA, WA

/s/ H. EBEN GORBATY  
H. EBEN GORBATY, WSB# 16901  
Deputy Prosecuting Attorney