

100190-8

**THE SUPREME COURT OF THE STATE OF
WASHINGTON**

State of Washington,)	
)	
Respondent,)	MOTION TO ACCEPT
)	FILING OF PETITION
v.)	REVIEW IN COURT OF
)	APPEALS NO. 81326-9-I
Christopher Dreyer,)	
)	
Petitioner.)	

I. IDENTITY OF MOVING PARTY AND RELIEF SOUGHT

Christopher Dreyer, the Petitioner, moves this Court for the relief designated below.

II. STATEMENT OF RELIEF SOUGHT

In the interest of justice and pursuant to RAP 13.4 and 18.8, Mr. Dreyer asks this Court to allow filing of his Petition for Review six days beyond the 30 days from issuance of the Court of Appeals opinion, No. 81326-9-I.

III. GROUND FOR RELIEF AND ARGUMENT

1. The Petition for Review was due on September 1, 2021.¹

2. I prepared the petition prior to its due date but erroneously missed the deadline for filing the petition.

3. This Court has the authority to extend the time for filing a brief. RAP 18.8(a). Although RAP 18.8(b) limits the instances in which this Court will grant an extension to file a Petition for Review, an extension in Mr. Dreyer's case is required to prevent a miscarriage of justice. Specifically, Mr. Dreyer has both a right to petition this Court for review of the Court of Appeals decision affirming his conviction and the right to effective assistance of appellate counsel. RAP 13.4(a); *see Evitts v. Lucey*, 469 U.S. 387, 397, 105 S. Ct. 830, 836, 83 L. Ed. 2d 821 (1985); *State v. Rolax*, 104 Wn.2d 129, 135, 702 P.2d 1185 (1985). I represented Mr. Dreyer on appeal and informed him I would be filing a Petition for Review on his behalf. Mr. Dreyer played no role in the late filing and should not be precluded from exercising his

constitutional right to appeal based solely on my error. Granting this six-day extension is therefore required to prevent a gross miscarriage of justice and should not disadvantage the State.

IV. CONCLUSION

Mr. Dreyer requests that this Court extend the time for filing a Petition for Review by six days, to September 7, 2021.

Respectfully submitted this 7th day of September, 2021.

This motion is proportionately spaced using 14-point font equivalent to Times New Roman and contains 395 words (word count by Microsoft Word).

s/Devon Knowles
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¹ The petition is being filed concurrently with this motion.

DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Motion to Accept Petition for Review to the Supreme Court** to which this declaration is affixed/attached, was filed in the **Court of Appeals** under **Case No. 81326-9-I**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

respondent Kimberly Thulin, DPA
[kthulin@co.whatcom.wa.us]
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petitioner

Attorney for other party



MARIA ANA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: September 7, 2021

WASHINGTON APPELLATE PROJECT

September 07, 2021 - 4:24 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 81326-9
Appellate Court Case Title: State of Washington, Respondent v. Christopher James Dreyer, Appellant
Superior Court Case Number: 19-1-01449-3

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