

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
5/15/2023 8:00 AM  
BY ERIN L. LENNON  
CLERK

Supreme Court No. 101765-1  
(COA No. 38572-8)

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

Louis Noberto Mendez,

Petitioner

---

PETITION FOR REVIEW

---

Louis Noberto Mendez  
402 E. 10<sup>th</sup> Ave., #3  
Kennewick, WA 99336

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Comes now the Petitioner, Louis Noberto Mendez, Pro se and requests this Court to accept review of the Court of Appeals decision entered January 31<sup>st</sup>, 2023.

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On appeal, Division III accepted the State's concession that Count II was essentially an element of Count I, and therefore cannot constitute a separate crime in violation of Double Jeopardy. Additionally, the Court found that the 10-year assault protection order was trial court error, and Division III has ordered Mr. Mendez's case be remanded to strike all references to Count II and reduce the 10 yr. protection order to the two-year statutory maximum term under RCW 9A.44.210(6)(c) (Laws of 2021, Ch. 215, section 168).

Also in its opinion, the Court accepted the State's concessions but rejected Mendez's four assignments of error in his statement of additional grounds.

C. ISSUES PRESENTED FOR REVIEW

1. Mendez's Right to a Speedy trial (CrR 3.3) was violated under Article I, Section 22 of the Washington State Constitution and the Sixth Amendment of the United States Constitution.
2. The State Committed Prosecutorial Misconduct when it amended his charges constituting an abuse of charging function under the Prosecutor's Standards, in violations of Article I, Section 22 of the Washington State Constitution, and the 14<sup>th</sup> Amendment of the United States Constitution.
3. Mendez's fair trial rights under Article I, Section 22 of the Washington State Constitution and the 14<sup>th</sup> Amendment of the United States constitution were violated because there was no physical evidence, and the evidence presented by the State corroborates his claim.
4. Mendez's rights to a fair trial under Article I, Section 22 of the Washington State Constitution and the 14th Amendment of the United States Constitution were violated pursuant to CrR 6.1(d) when the trial court failed to enter any mens rea findings relative to his conviction.

#### D. STATEMENT OF THE CASE

In June of 2019, A.L. alleged that Mr. Mendez engaged in the acts identified in RP 58-62, 65-66, 140-142, 157-159, 169, 203-204, 208-212, 224, 230-233, 243-244, 254. Mendez denied the acts. (RP 254-328).

Although Mendez's proceedings were infected by Orders relative to the covid pandemic and its chilling effect on this Court's, and others, calendar, Mendez claimed that the trial court's granting of continuances were violative of his constitutional rights regarding speedy trial. This Court issued the Third Revised and Extended Order Regarding Court Operations, No. 25700-B-625 (Wash. May 28, 2020) which expired on July 6<sup>th</sup>.

#### SPEEDY TRIAL RIGHT

In the Division III's opinion referenced above, the Court stated that Mendez "...failed to appear and his attorney noted his personal objections to additional continuances.". (See Opinion, Pg. 6, Para 2). The Opinion did not state that Mendez's attorney's appearance was not representative of Mendez meeting the requirements of appearing, since counsel is attorney of fact, and stands for Mendez in the eyes of the court. It's noteworthy to this Court that Mendez was detained by the State on the charges, and failure of the Benton County Prosecutor to Produce Mendez cannot be reason to deny relief. If Mendez's speedy trial rights were violated, his appearance through his counsel, while being forcibly held in Benton County Jail, do not constitute a resetting of the commencement date. CrR 3.3(c)(ii). This Court may consider that the mere fact of the State withholding Mendez from appearing constitutes Prosecutorial Misconduct grave enough to award relief and dismiss Mendez's case. It would in bad faith to allow the state to manipulate the proceedings just to gain a continuance.

Additionally, this Court should take note that Division III's opinion confirms that the record shows no signs that Mendez withdrew his objection to his speedy trial rights being violated.

#### PROSECUTORIAL MISCONDUCT

Mendez also contends that the state's amendment to the charging information adding count 2 constituted prosecutorial misconduct. Now that Division III has found that count II was in violation of his constitutional right to a fair trial, Mendez contends that the facts introduced in the State's case in chief infected both decisions to enter a guilty verdict in count's 1 and 3 by the trial court. Again, it is noteworthy that on Pg. 2 of Division III's Opinion it quotes the State at trial (RP, Oct. 13, 2021, at 344) properly informing the count not to find Mendez guilty of both Count's 1 and 2 because of the law as written under State v. Land, 172 Wn. App. 593, 295 P.3d 782 (2013). Since the trial court abused its discretion in rendering count 2 to judgment, there are additional questions Mendez raises on why the trial court was allowed to consider the facts the state presented to support a conviction in

count 2, and additionally reaffirmed that the state proved the elements of count 2 in its oral ruling as pointed out at the bottom of Pg. 2 of Division III's opinion.

Additionally, the timing of the State's amending and adding Count II and III were immediately after Mendez rejected the plea deal offered by the prosecutor and requested the bench trial instead. and since the State was very up front on the record with the Court that Count II was a violation of Mendez's rights under double jeopardy, it is clear that the amendments were retaliatory for Mendez's rejection of the state's offer, and the state knew exactly what it was doing. Under the Prosecutorial Standards, the above acts constitute an abuse of the use of Charging Function by the prosecutor and Mendez's case should be reversed solely due to the prosecutor's acts as described above.

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Mendez claims the testimony offered by the State in the form of the State crime lab expert supports his innocence because He stated on the record that there was no DNA found when he initially tested the evidence collected by the state. The prosecutor's portrayal of the reports and findings was a misstatement of the facts. Basically, the state made the findings look as if they were incriminating, when the exact opposite was true. Because the report established the lack of certain DNA and countered the state's presentation, Mendez claims that the state's offering of the expert testimony should have cleared him, and the conviction should not have stood.

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Mendez proceeded to a bench trial, where the Benton County Superior Court found him guilty on all three counts. He filed an Appeal in the Court of Appeals, Division III, which is the subject of his Petition for Review now before this Court.

On appeal, Division III accepted the State's concession that Count II was essentially an element of Count I, and therefore cannot constitute a separate crime in violation of Double Jeopardy. Additionally, the Court found that the 10-year assault protection order was trial court error, Division III has ordered Mr. Mendez's case be remanded to strike all references to Count II and reduce the 10 yr. protection order to the two year statutory maximum term under RCW 9A.44.210(6)(c) (Laws of 2021, Ch. 215, section 168).

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#### E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED.

Under RAP 13.4(b), a petition for review by the court will only be accepted if (1) the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; (2) if the decision of the Court of Appeals is in conflict with another decision of the Court of appeals; (3) if the decision conflicts with either the state or federal constitution; or (4) if the petition involves an issue of substantial public interest.

Mr. Mendez submits that this court should accept review under RAP 13.4 (b)(1), (b)(2), and/or 13.4(b)(3).

#### F. CONCLUSION

Due to the facts presented above, and the court file and transcripts, this Court should reverse the decision of the Court of Appeals rejecting the four assignments of error asserted by Mendez in his statement of additional grounds and accept review of his issues.

Additionally, this Court could grant immediate relief on his Speedy Trial claim, and remand for an evidentiary hearing in the Benton County Superior Court.

Mendez also requests this Court to assign Counsel to argue any issues it finds meritorious in the interests of judicial economy. Mendez does not possess the skills to properly brief this court on the legality of his claims, and trained counsel would better serve Mendez and this Court in the following litigation.

Mendez also requests this Court to award any and all relief afforded to him under the law.

Respectfully Submitted,



Louis Mendez pro se



**LOU MENDEZ**

**May 15, 2023 - 3:59 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,765-1  
**Appellate Court Case Title:** State of Washington v. Louis Noberto Mendez  
**Superior Court Case Number:** 19-1-00740-4

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Mendez claims the testimony offered by the State in the form of the State crime lab expert supports his innocence because He stated on the record that there was no DNA found when he initially tested the evidence collected by the state. The prosecutor's portrayal of the reports and findings was a misstatement of the facts. Basically, the state made the findings look as if they were incriminating, when the exact opposite was true. Because the report established the lack of certain DNA and countered the state's presentation, Mendez claims that the state's offering of the expert testimony should have cleared him, and the conviction should not have stood.

#### LACK OF MENS REA FINDINGS

Division III's opinion is clear on page 9, where that court held that the lack of a mens rea finding on the incest conviction was error. The claim that Mendez makes regarding that charge is that the Count II evidence and testimony could have influenced the trier of fact and the conclusion that something happened is coupled with whether Mendez is the stepfather. Just because Mendez may be related to the alleged victim does not alone support the conviction. If the State's evidence it presented gave rise to the trier of fact's conclusion that count III could be supported by that particular evidence that is now been found to be error, than the mere fact that Mendez may be the stepfather still may not be the contributing factor to the verdict obtained. (See State v. Banks, 149 Wn.2d 38 (2003).) At trial, Mendez is considered innocent until proven guilty. He is not required to say anything, and his silence cannot be used against him to support a conviction, nor the finding on page 9 where Division III stated, "The trial court's findings and conclusions, which Mendez did not contest, necessitate an inference of Knowledge." Due to the facts established by Division III on appeal, this court should grant review of Mendez's claims.

Mendez proceeded to a bench trial, where the Benton County Superior Court found him guilty on all three counts. He filed an Appeal in the Court of Appeals, Division III, which is the subject of his Petition for Review now before this Court.

On appeal, Division III accepted the State's concession that Count II was essentially an element of Count I, and therefore cannot constitute a separate crime in violation of Double Jeopardy. Additionally, the Court found that the 10-year assault protection order was trial court error, Division III has ordered Mr. Mendez's case be remanded to strike all references to Count II and reduce the 10 yr. protection order to the two year statutory maximum term under RCW 9A.44.210(6)(c) (Laws of 2021, Ch. 215, section 168).

Mr. Mendez has filed a form that was provided to him by his appellate counsel, but as the court can see, not all of the information he electronically filed reached this court. Mendez has little working knowledge of the law, and much less ability to defend himself against the State's resources and qualified, skilled post-conviction specialists.

Mendez now completes his filing to support a full review and requests the court to accept his less than artful pleadings, which do not hold muster to those of a trained litigant. Without Mr. Mendez filing this brief, he will most likely be denied a meaningful review.

#### E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED.

Under RAP 13.4(b), a petition for review by the court will only be accepted if (1) the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; (2) if the decision of the Court of Appeals is in conflict with another decision of the Court of appeals; (3) if the decision conflicts with either the state or federal constitution; or (4) if the petition involves an issue of substantial public interest.

Mr. Mendez submits that this court should accept review under RAP 13.4 (b)(1), (b)(2), and/or 13.4(b)(3).

#### F. CONCLUSION

Due to the facts presented above, and the court file and transcripts, this Court should reverse the decision of the Court of Appeals rejecting the four assignments of error asserted by Mendez in his statement of additional grounds and accept review of his issues.

Additionally, this Court could grant immediate relief on his Speedy Trial claim, and remand for an evidentiary hearing in the Benton County Superior Court.



Mendez also requests this Court to assign Counsel to argue any issues it finds meritorious in the interests of judicial economy. Mendez does not possess the skills to properly brief this court on the legality of his claims, and trained counsel would better serve Mendez and this Court in the following litigation.

Mendez also requests this Court to award any and all relief afforded to him under the law.

Respectfully Submitted,

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Louis Mendez, pro se

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**LOU MENDEZ**

**May 14, 2023 - 8:16 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,765-1  
**Appellate Court Case Title:** State of Washington v. Louis Noberto Mendez  
**Superior Court Case Number:** 19-1-00740-4

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION THREE

STATE OF WASHINGTON,	)	
	)	No. 38572-8-III
Respondent,	)	
	)	
v.	)	
	)	UNPUBLISHED OPINION
LOUIS NOBERTO MENDEZ,	)	
	)	
Appellant.	)	

FEARING, J. — In this appeal, Louis Mendez challenges two aspects of his judgment and sentence: the listing of a merged conviction and the length of a protection order. We accept the State’s concessions that the conviction should be erased and the protection order should be shortened in duration. We also reject four assignments of error asserted by Mendez in his statement of additional grounds.

FACTS

Louis Mendez is A.L.’s stepfather. According to A.L., one night in June 2019, when she was 14 years old, Mendez licked and inserted his penis into her vagina.

PROCEDURE

On June 26, 2019, the State of Washington charged Louis Mendez with rape of a child in the third degree. On June 18, 2021, the State amended the information to add a

charge of child molestation in the third degree. On July 1, 2021, the State amended the information a second time to also allege incest in the first degree.

Louis Mendez's initial trial date was August 19, 2019. The trial court continued the trial twenty-one times until it commenced on October 11, 2021. The State requested some of the continuances. Defense counsel requested other continuances. Still other continuances resulted from the COVID-19 pandemic. On July 16, 2020, and July 2, 2021, Mendez announced his personal objection to further continuances. On September 2, 2021, Louis Mendez requested a bench trial.

During trial, Louis Mendez testified to being A.L.'s stepfather. In closing argument, the prosecuting attorney intoned:

OK. Your Honor, I want you just, just to remind you what the counts are in this case. And one thing I want you to understand is that rape of a child in the third degree and child molestation in the third degree, there's some legal issues with that. They need to be separate and distinct. There's also *State v. Land* [, 172 Wn. App. 593, 295 P.3d 782 (2013)]. So the one thing I want to make sure is that if you find him guilty of rape of a child in the third degree, it can't be on the same conduct as the child molestation in the first—in the third degree. There's also oral sex in this case, which makes it a little bit messier and which is also probably all one act arguably. *Therefore, if you find him guilty of rape of a child in the third degree, I'm just going to ask that you not find him guilty of child molestation in the second degree.* I think that's going to keep it cleaner.

Report of Proceedings (RP) (Oct. 13, 2021) at 344 (emphasis added).

In an oral ruling, the trial court remarked that the State proved the elements of all three charges: rape of a child, child molestation, and incest. Nevertheless, the court

commented, in light of the State's concession, that count 2 would be dismissed at the time of sentencing because of the doctrine of merger.

The trial court entered written findings of fact and conclusions of law. One conclusion of law read that the conviction for count 2, child molestation, merged with the conviction for count 1, child rape. None of the court's findings or conclusions mentioned Louis Mendez's mens rea. On the judgment and sentence, the trial court convicted Louis Mendez of both rape of a child in the third degree and child molestation in the third degree but noted next to the molestation count "(MERGES WITH COUNT I)." Clerk's Papers at 189 (boldface omitted).

The trial court imposed no sentence for child molestation and ran the sentence for incest concurrent to the sentence for rape. The trial court also imposed a sexual assault protection order prohibiting Louis Mendez from contacting A.L. until November 14, 2031.

## LAW AND ANALYSIS

### Child Molestation Conviction

Louis Mendez requests that this court remand to the trial court to strike any reference to a conviction for child molestation in the third degree from the judgment and sentence. Mendez argues that the conviction violates his right to be free from double jeopardy. The State agrees.

We recognize that child molestation and child rape may not always merge for purposes of double jeopardy. *State v. Hancock*, 17 Wn. App. 2d 113, 117-21, 484 P.3d 514 (2021); *State v. Sanford*, 15 Wn. App. 2d 748, 752-58, 477 P.3d 72 (2020); *State v. Wilkins*, 200 Wn. App. 794, 804-14, 403 P.3d 890 (2017); *State v. Land*, 172 Wn. App. 593, 600, 295 P.3d 782 (2013). The State might have argued that Louis Mendez’s oral-genital contact supported the child molestation charge while penetration supported the child rape charge. Nevertheless, we adopt, for purposes of this appeal, the State’s position that Mendez’s conduct against A.L. probably constituted only one act.

A judgment and sentence must not include a reference to a vacated conviction. *State v. Turner*, 169 Wn.2d 448, 464, 238 P.3d 461 (2010). Therefore, we grant Louis Mendez’s request to remand for the striking of all references to a child molestation conviction from Mendez’s felony judgment and sentence.

#### Protection Order

Louis Mendez contends that the trial court erred in entering a 10-year sexual assault protection order. The State agrees.

The controlling statute places a time limitation on a sexual assault protection order:

A final sexual assault no-contact order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

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Former RCW 7.90.150(6)(c) (2021), *recodified as* RCW 9A.44.210(6)(c) (LAWS OF 2021, ch. 215, § 168).

The State proposes we remand for the trial court to enter the following language in the judgment and sentence:

The Sexual Assault No Contact Order shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole, which the State calculates as (specific date calculated based on earned early release credit) subject to adjustments regarding compliance credits or applicable tolling of community custody.

Br. of Resp't at 5. We grant this request.

#### Speedy Trial

We now begin a review of Louis Mendez's statement of additional grounds.

Louis Mendez contends that the numerous continuances to his trial date violated his right to a speedy trial. In Washington, CrR 3.3 protects a defendant's right to a speedy trial. *State v. Denton*, 23 Wn. App. 2d 437, 448, 516 P.3d 422 (2022). We exclude the vast majority of trial continuances from our time-to-trial consideration either because Mendez agreed to the continuances, CrR 3.3(f)(1), or because Mendez himself moved for the continuances, CrR 3.3(f)(2).

The record does not account for the period between June 11, 2020, thru July 9, 2020, during the height of the COVID-19 pandemic. On May 28, 2020, the Supreme Court of Washington issued the Third Revised and Extended Order Regarding Court



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Operations, No. 25700-B-625 (Wash. May 28, 2020),

<https://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Extended%20and%20Revised%20SCT%20Order%20052820.pdf>. The order suspended all criminal jury trials until at least July 6, 2020. Order at 6.

Louis Mendez raised personal objections to continuances twice. A party loses the right to object to an improperly set trial date if he fails to raise such objection within ten days after receipt of notice of the trial date. CrR 3.3(d)(3). On July 9, 2020, Mendez failed to appear and his attorney noted his personal objection to additional continuances. Mendez's failure to appear itself constituted a resetting of the commencement date. CrR 3.3(c)(2)(ii).

At a July 16, 2020, hearing, Louis Mendez appeared and personally objected to further continuances. The record does not identify whether Mendez withdrew his objection in the following months of continuance orders. On February 18, 2021, Mendez again requested a continuance.

In a series of emergency orders, the Benton and Franklin Counties Superior Court suspended jury trials from August 2020 to February 1, 2021. County of Benton Washington, Emergency Orders & Temporary Docket Procedures: Benton and Franklin Counties Jury Trials, <https://co.benton.wa.us/pview.aspx?id=55200&catid=0>.

Following the expiration of the COVID-19 emergency orders, Louis Mendez personally objected to a continuance on July 2, 2021. Nevertheless, a continuance was

necessitated by Mendez's withdrawal of a CrR 3.5 waiver on the eve of trial. The court found good cause for a continuance over Mendez's personal objection. A court may continue a trial date for good cause under CrR 3.3(f)(2). Mendez did not move for a bench trial until September 2, 2021. We conclude that the trial court proceedings did not violate Louis Mendez's right to a speedy trial. An appendix lists the continuances and reasons for the continuances.

#### Prosecutorial Misconduct

Louis Mendez alleges the State committed prosecutorial misconduct and violated CrR 8.3(b) by twice amending the information to add charges close to the date of trial. Mendez never advanced this argument before the trial court.

CrR 8.3(b) permits a court to "dismiss any criminal prosecution due to arbitrary action or governmental misconduct when there has been prejudice to the rights of the accused which materially affect the accused's right to a fair trial." Mere passage of time prior to the filing of charges does not, alone, prejudice a defendant's right to a fair trial. *State v. Rohrich*, 149 Wn.2d 647, 658-59, 71 P.3d 638 (2003).

CrR 2.1(d) permits the State to amend an information "at any time before verdict or finding if substantial rights of the defendant are not prejudiced." Louis Mendez's trial counsel had over three months to prepare defenses to the child molestation and incest charges. Our Supreme Court has scrutinized, but not categorically prohibited, amendments following the conclusion of the State's case in chief. *State v. Brooks*, 195

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Wn.2d 91, 96-104, 455 P.3d 1151 (2020). Mendez provides no authority suggesting that a defendant may be prejudiced by an amendment to an information advanced three months prior to trial.

#### Lack of Physical Evidence

Louis Mendez contends that no physical evidence supported his convictions. Mendez never advanced this argument before the trial court.

Physical evidence is not required to sustain a criminal conviction. A reviewing court defers to the fact finder on issues of witness credibility, testimony, and persuasiveness of the evidence. *State v. Rodriguez*, 187 Wn. App. 922, 930, 352 P.3d 200 (2015). A.L.'s trial testimony alone was sufficient to sustain the convictions against Louis Mendez.

#### Mens Rea

Louis Mendez argues that the trial court failed to enter any mens rea findings relating to his convictions. Mendez never advanced this argument before the trial court.

Following a bench trial, a court must enter written findings of facts and conclusions of law. CrR 6.1(d). Each element must be addressed separately, setting out the factual basis for each conclusion of law, and each finding must specifically state that an element has been met. *State v. Banks*, 149 Wn.2d 38, 43, 65 P.3d 1198 (2003).

Because rape of a child is a strict liability crime, the State need only prove that a defendant had sexual intercourse with a child under a particular age. *State v. Blake*,

197 Wn.2d 170, 194, 481 P.3d 521 (2021). The trial court therefore was not required to include a mens rea finding relating to the rape conviction.

The lack of a mens rea finding on the incest conviction, however, was error.

A person is guilty of incest in the first degree if he or she engages in sexual intercourse with a person whom he or she *knows to be related to him or her*, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

RCW 9A.64.020(1)(a) (emphasis added). A “descendant” may be a stepchild under eighteen years of age. RCW 9A.64.020(3)(a). The trial court failed to enter any finding relating to Louis Mendez’s knowledge that A.L. was his stepdaughter.

Failure by a trial court to enter a finding pertaining to a necessary element is harmless error when the record demonstrates beyond a reasonable doubt that the error did not contribute to the verdict obtained. *State v. Banks*, 149 Wn.2d 38, 44 (2003). Louis Mendez admitted at trial that he was A.L.’s stepfather. The trial court’s findings and conclusions, which Mendez did not contest, necessitate an inference of knowledge. We discern no reasonable probability that the outcome of the incest conviction would differ on remand.


#### CONCLUSION

We affirm Louis Mendez’s convictions for child rape and incest. We remand to the trial court to strike, from the judgment and sentence, all references to a conviction for


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child molestation and for the court to reduce the duration of the protection order consistent with this opinion.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

  
\_\_\_\_\_  
Fearing, J.

WE CONCUR:

  
\_\_\_\_\_  
Siddoway, C.J.

  
\_\_\_\_\_  
Pennell, J.

## Appendix: Continuances Table

Date Extension Filed	New Trial Date Set	Defense posture	Clerk's Papers	Transcript
Thursday, June 27, 2019	Monday, August 19, 2019	Initial date setting	CP 17	
Thursday, August 8, 2019	Monday, October 14, 2019	Defense agrees	CP 25	
Thursday, October 3, 2019	Monday, December 9, 2019	Defense agrees	CP 28	
Wednesday, November 27, 2019	Monday, January 13, 2020	Defense agrees	CP 32	
Thursday, January 2, 2020	Monday, February 3, 2020	No agreement or objection noted	CP 35	
Thursday, January 30, 2020	Monday, March 9, 2020	Defense agrees	CP 38	
Thursday, February 27, 2020	Monday, April 6, 2020	Defense agrees	CP 40	
Friday, March 20, 2020	Thursday, June 11, 2020	Defense motion	CP 42-44	
Unaccounted period: June 11, 2020-July 9, 2020				
Thursday, July 9, 2020	Reset for def. failure to appear	Defendant FTA; Att'y notes Defendant objection	CP 70	RP (July 9, 2020) 4-6
Thursday, July 16, 2020	Monday, September 21, 2020	Defendant objection	CP 71	RP (July 16, 2020) 10-14
Thursday, September 10, 2020	Monday, November 9, 2020	Continuing def. objection (7/16)	CP 72	
Thursday, October 29, 2020	Monday, December 28, 2020	Continuing def. objection (7/16)	CP 78	
Thursday, December 17, 2020	Monday, March 1, 2021	Continuing def. objection (7/16)	CP 79	
Thursday, February 18, 2021	Monday, March 29, 2021	Defense request	CP 80	RP (Feb. 18, 2021) 16-17
Thursday, March 18, 2021	Monday, April 19, 2021	Defense agrees	CP 82	RP (March 18, 2021) 19-20
Thursday, April 1, 2021	Monday, June 7, 2021	Defense request	CP 83	RP (April 1, 2021) 10-11
Thursday, May 13, 2021	Sunday, June 20, 2021	Defense request	CP 84	RP (May 13, 2021) 12
Thursday, June 3, 2021	Monday, July 12, 2021	Defense request	CP 86	RP (June 3, 2021) 3-4
Friday, July 2, 2021	Monday, August 30, 2021	Defense counsel agrees; Defendant objects RP 23.	CP 102	RP (July 2, 2021) 18-21
Monday, August 23, 2021	Saturday, September 11, 2021	Defense request	CP 137-40	RP (Aug. 23, 2021) 48-52
Friday, September 10, 2021	Monday, October 11, 2021	Joint request for September 27; Joint acceptance of revised date. RP 56	CP 152-56	RP (Sept. 10, 2021) 55-59

Tristen L. Worthen  
Clerk/Administrator

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*The Court of Appeals  
of the  
State of Washington  
Division III*



January 31, 2023

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CASE # 385728  
State of Washington v. Louis Noberto Mendez  
BENTON COUNTY SUPERIOR COURT No. 1910074003

Counsel:

Enclosed please find a copy of the opinion filed by the court today. A party need not file a motion for reconsideration as a prerequisite to discretionary review by the Supreme Court. RAP 13.3(b); 13.4(a). If a motion for reconsideration is filed, it should state with particularity the points of law or fact which the moving party contends the court has overlooked or misapprehended, together with a brief argument on the points raised. RAP 12.4(c). Motions for reconsideration which merely reargue the case should not be filed.

Motions for reconsideration, if any, must be filed within twenty (20) days after the filing of the opinion. Please file the motion electronically through the court's e-filing portal or, in paper format, only the original motion need be filed. If no motion for reconsideration is filed, any petition for review to the Supreme Court must be filed in this court within thirty (30) days after the filing of this opinion. The motion for reconsideration and petition for review must be received (not mailed) on or before the dates they are due. RAP 18.5(c).

Sincerely,

A handwritten signature in blue ink that reads "Tristen Worthen".

Tristen Worthen  
Clerk/Administrator

TLW/sh  
Enc.

c: **E-mail** Honorable Alexander C. Eckstrom c/o Honorable Diana Ruff

c: Louis Noberto Mendez  
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