

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

ROBERT LOUGH,
Petitioner.

Supreme Court No. 93953-5

REPLY TO MOTION TO
MODIFY ORDER
COMBINING PETITIONS

MOTION TO STRIKE
STATE'S MOTION TO
DISMISS

I. IDENTITY OF MOVING PARTY

Petitioner, Robert Lough, answers the government's motion to modify this Court's order and to dismiss Mr. Lough's pro se petition.

II. STATEMENT OF RELIEF SOUGHT

Mr. Lough moves this Court to reject the government's motion to modify and to strike the government's motion to dismiss Mr. Lough's pro se petition.

III. GROUND FOR RELIEF SOUGHT

1. *The Government's motion to modify should be rejected.*

a. This Court directed Mr. Lough to file the motion to combine the original and subsequent petitions, which Mr. Lough completed as directed.

b. There was good cause for this request by the Court. Both the original and additional pro se petitions raise important issues which have not been reviewed by this Court previously. It is in the interest of justice that this Court should consider whether to take review of the issues raised.

c. Allowing these issues to be considered by this Court for review does not create an additional burden upon the government or this Court. The government has declared it does not intend to file an argument against Mr. Lough's original petition. And while Mr. Lough's pro se petition adds an additional argument, this issue has also been fully litigated in the Court of Appeals.

d. Providing Mr. Lough with the opportunity to have these issues heard is fair and comports with due process. This Court should find its original decision to be proper and deny the government's motion to modify.

2. *The government's motion to dismiss the pro se petition should be stricken.*

a. RAP 13.4(d) provides that the government has thirty days to respond to a petition for review.

b. Mr. Lough filed his petition for review on November 7, 2016.

c. The government did not move to dismiss this petition until this Court had ordered the petitions to be combined, well past the time allowed to object to this filing.

d. Because this request is untimely, this Court should strike the government's motion to dismiss Mr. Lough's pro se petition.

IV. CONCLUSION

Mr. Lough requests this Court affirm its prior ruling granting Mr. Lough's motion for a combined over length petition.

DATED this 10 day of April 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Stearns', with a long horizontal flourish extending to the right.

TRAVIS STEARNS (WSBA 29935)
Washington Appellate Project (91052)
Attorneys for Appellant

DECLARATION OF MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, a true copy of the document filed under **Supreme Court No. 93953-5** to which this declaration is affixed/attached, was mailed with first-class postage prepaid or otherwise caused to be delivered to each attorney or party or record for **respondents: Andrea Vitalich & Jennifer Ritchie - King County Prosecuting Attorneys**, **petitioner** and/or **other party**, at the regular office or residence or drop-off box at the prosecutor's office.



NINA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: April 10, 2017

WASHINGTON APPELLATE PROJECT

April 10, 2017 - 2:13 PM

Transmittal Information

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