

No. 94213-7

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JUN 19 2017

WASHINGTON STATE  
SUPREME COURT

Supreme Court  
of the State of Washington

State of Washington, Respondent

v.

Alan J. Smith, Petitioner

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Motion for Leave to Amend Reply to State's  
Answer to Petition for Discretionary Review

Alan J. Smith

Petitioner Pro Se

Alan J. Smith, #381201, DW207  
Washington State Penitentiary  
1313 N 13th Ave  
Walla Walla, WA 99362

A. Identity of Petitioner

Alan Smith, petitioner pro se, respectfully requests leave to amend his reply to the State's Answer to Petition for Review

B. Why the Party is Seeking to Amend

On sending the original pleading, my chief concern was to determine what procedure to use after counsel had held the State's Answer well past the period for a timely reply.

I do not believe that I was able to adequately research all the issues raised in the State's answer.

Moreover, my law library access had been restricted for several days, such that I was unable to obtain copies and submit evidence.

In order to facilitate a reliable decision on the merits, as to whether review should be accepted, I believe that the corrections herein are indispensable.

### C. Specific Amendments Proposed

As I was unable to retain a copy of the original filing, the following represent the best of my recollection:

1. In response to the State's challenge, as to whether Anders v. California applies, I found that related law - Smith v. Robbing which is 'progeny' of Anders - dealt with the specific facts of this case. Issue 7 provides the appropriate criteria for a decision.
2. In issue 6, I showed that the Court of Appeals failure to conduct circumstance-specific reasonableness inquiry on my ineffectiveness claim relates to denial of appeal of the collateral matter, in response to the State's challenge.
3. Some irrelevant matter was deleted.
4. Appendices were added.

### Verification

I declare under penalty of perjury ~~to~~ under the laws of the State of Washington that the foregoing is true and correct.

Respectfully Submitted

DATED this 14th June  
2017 at Walla Walla,  
Washington

Alan Smith