

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
Respondent,) NO. 94576-4
)
vs.) ANSWER TO MOTION FOR
) EXTENSION OF TIME TO
BRIAN THOMAS DECKER,) FILE PETITION FOR
) REVIEW
)
Petitioner.)
)
)
_____)

1. IDENTITY OF MOVING PARTY

The State of Washington asks for the relief designated in

Part 2.

2. STATEMENT OF RELIEF SOUGHT

The State respectfully requests that the petitioner's motion for an extension of time for filing a petition for discretionary review be denied.

3. FACTS RELEVANT TO MOTION

The Court of Appeals decision terminating review was filed on March 27, 2017. RAP 13.4 required the filing of a petition for review within 30 days after the decision terminating review because

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OF TIME


(1988). “Extraordinary circumstances” include instances where the filing, despite reasonable diligence, was defective due to excusable error or circumstances beyond the party's control. Id. Appellants must provide a sufficient excuse for their failure to file a timely notice of appeal and demonstrate sound reasons to abandon the judicial preference for finality. Schaefco, Inc. v. Columbia River Gorge Comm'n, 121 Wn.2d 366, 367, 849 P.2d 1225 (1993). This standard has rarely been satisfied in reported caselaw. Reichelt, 52 Wn.App. at 765.

Decker has not offered any extraordinary circumstances to excuse his untimely filing here. Misadvice of counsel is not an extraordinary circumstance. See Shumway v. Payne, 136 Wn.2d 383, 396–97, 964 P.2d 349 (1998) (no extraordinary circumstances where pro se litigant erroneously informed by ad hoc counsel that she need not file a particular motion to pursue writ of habeas corpus). This Court should uphold its rigorous application of RAP 18.8(b) and deny Decker’s motion to enlarge time, and deny his petition for review.

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DATED this 20th day of June, 2017.

DANIEL T. SATTERBERG
Prosecuting Attorney

By: 

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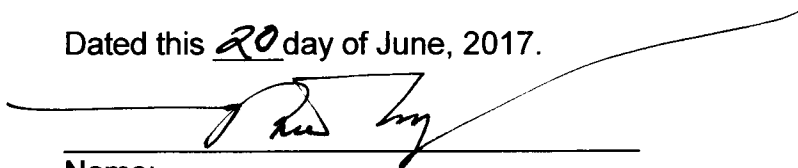
MOTION FOR EXTENSION
OF TIME

Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Andrew L. Magee, the attorney for the petitioner, at , containing a copy of the ANSWER TO MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW in State v. Brian Thomas Decker, Cause No. 94576-4, in the Supreme Court, for the State of Washington.

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

Dated this 20 day of June, 2017.

A handwritten signature in black ink, appearing to read "Andrew L. Magee", is written over a horizontal line. The signature is stylized and extends to the right, crossing the line.

Name:
Done in Seattle, Washington

KING COUNTY PROSECUTOR'S OFFICE - APPELLATE UNIT

June 20, 2017 - 12:19 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 94576-4
Appellate Court Case Title: State of Washington v. Brian T. Decker
Superior Court Case Number: 14-1-06964-9

The following documents have been uploaded:

- 945764_Answer_Reply_20170620121807SC901830_6375.pdf
This File Contains:
Answer/Reply - Answer to Motion
The Original File Name was 94576-4 ANSWER TO MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW.pdf

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