

NO. 95105-5

**SUPREME COURT
OF THE STATE OF WASHINGTON**

STATE OF WASHINGTON,

Respondent,

v.

GARY BRUCE FARNWORTH,

Petitioner.

MOTION FOR
EXTENSION OF TIME
TO FILE ANSWER TO
PETITION FOR
REVIEW AND CROSS
PETITION

I. IDENTITY OF MOVING PARTY

The State of Washington, Respondent, requests the relief designated in part II.

II. STATEMENT OF RELIEF SOUGHT

The State requests an extension of time to December 12, 2017, to file its answer to the petition for review and its cross petition for review.

III. FACTS RELEVANT TO MOTION

The State's answer to the petition for review is presently due November 13, 2017. The undersigned will be out of the country on a preapproved vacation for the next several weeks, and will consequently be unavailable during half of that time currently allowed for an answer.

IV. GROUNDS FOR RELIEF AND ARGUMENT

RAP 18.8 provides, in pertinent part:

(a) **Generally.** The appellate court may, on its own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice

Respondent moves the court to grant an extension of time to file its answer and cross petition for the reasons set forth in the accompanying declaration.

This is the first extension of time requested by the State. The appellant will not be prejudiced by the extension and the ends of justice would be served by granting the State's motion.

RESPECTFULLY SUBMITTED this 17th day of October, 2017.

ROBERT W. FERGUSON
Attorney General



TIENNEY MILNOR
WSBA #32701, OID #91093
Assistant Attorney General

DECLARATION

TIENNEY MILNOR declares as follows:

1. I am over the age of 18 and competent to make this declaration.

2. I represent the State of Washington in the above-captioned matter.

3. On October 13, 2017, appellant Farnworth filed a petition for review.

4. I will be out of the county on vacation starting on October 18, 2017, and will not be back to work until October 30, 2017.

5. My responsibilities at the Attorney General's Office (AGO) are to prosecute and try criminal cases when the local county prosecutor cannot prosecute the case for any reason. Consequently, I prosecute and try cases in any of Washington's 39 counties and I travel frequently. I am also required to represent the State on appeal after prosecuting the case at the trial level. I am required to manage a criminal caseload, handle civil wrongful conviction cases as assigned, and conduct trainings to investigators throughout the state. I work in a very small unit of seven prosecutors within the AGO and they also have caseloads and travel throughout the state.

6. I respectfully request an extension of time of 30 days to December 12, 2017, to respond to the petition for review and any cross petition. This extension of time will give me needed time to file a brief that can best assist the court in deciding the merits of the petition for review.

7. This request is not made for purposes of delay or tactical advantage.

8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 17th day of October, 2017, at Seattle, Washington.



TIENNEY MILNOR, WSBA #32701
Assistant Attorney General

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STATE OF WASHINGTON,

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v.

GARY BRUCE FARNWORTH,

Petitioner.

DECLARATION OF
SERVICE

I, Nicole Symes, declare as follows:

On October 17, 2017, I deposited in the United States mail, postage prepaid, a true and correct copy of the Motion for Extension of Time to File

Answer to Petition for Review and Cross Petition, addressed as follows:

Douglas D. Phelps
Phelps & Associates, P.S.
2903 N. Stout Rd.
Spokane, WA 99206-4373

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

DATED this 17th day of October, 2017, at Seattle, Washington.



NICOLE SYMES

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE - CRIMINAL JUSTICE DIVISION

October 17, 2017 - 3:42 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95105-5
Appellate Court Case Title: State of Washington v. Gary Bruce Farnworth II
Superior Court Case Number: 14-1-00357-0

The following documents have been uploaded:

- 951055_Motion_20171017153536SC083115_0943.pdf
This File Contains:
Motion 1 - Extend Time to File
The Original File Name was MotForExtensionOfTimeToFileAnswerToPetForReviewAndCrossPet.pdf

A copy of the uploaded files will be sent to:

- NicoleS4@atg.wa.gov
- ahenry@dol.wa.gov
- katea@phelpslaw1.com
- phelps@phelpslaw1.com

Comments:

State's Motion for Extension of Time to File Answer to Petition for Review and Cross Petition

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