#### **FILED** Court of Appeals Division I State of Washington a Jane Silverstein 1 11/30/2018 8:44 AM seattle, WA 98101-3647 2 Email: lila@washapp.org; wapofficemail@washapp.org 3 Kathleen A. Shea 4 1511 Third Avenue Suite 701 Seattle, Wa 98101-3647 5 Email: kate@washapp.org; wapofficemail@washapp.org A copy of this document was served via U.S. Mail or the recognized system of interoffice communications, or, if an email address appears above, electronically. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and ED November 30, 2018, Port Orchard, WA 6 7 8 Original e-filed at the Supreme Court, Copy to counsel listed above. Office ID #91103 kcpa@co.kitsap.wa.us 9 10 11 IN THE SUPREME COURT OF WASHINGTON 12 13 THE STATE OF WASHINGTON, No. 96600-1 14 Petitioner, STATE'S MOTION TO CONSOLIDATE 15 PETITIONS FOR REVIEW 16 ٧. Court of Appeals Nos. 17 ARNOLD MAFNAS CRUZ, 77930-3-1 & 77736-0-I 18 Respondent. 19 20 21 I. **IDENTITY OF MOVING PARTY** 22 The respondent, STATE OF WASHINGTON, asks this Court for the relief designated 23 24 in Part II of this motion. 25 II. STATEMENT OF RELIEF SOUGHT 26 27 The State respectfully moves to consolidate its petitions for review in the above 28 captioned cases. 29

STATE'S MOTION TO CONSOLIDATE; Page 1 of 3



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#### III. FACTS RELEVANT TO MOTION

Case number 77930-3-1 involves Cruz's conviction for rendering criminal assistance in a first-degree murder case. The Court of Appeals reversed the conviction, finding the charging document insufficient.

Case number 77736-0-I involves a possession of methamphetamine and bail jumping case in which Cruz challenged his exceptional sentence.

The cases were sentenced together, and based on the reversal in the rendering case, the Court of Appeals also vacated the sentence in the drug case.

#### IV. GROUNDS FOR RELIEF AND ARGUMENT

The State seeks review of the conclusion of the Court of Appeals that the information inadequately charged the crime of rendering criminal assistance. That decision was the sole basis for the reversal of the sentence in the drug case. It is therefore in the interests of judicial economy that the two matters be considered together.

The State therefore respectfully requests that these two matters be consolidated for review.

DATED this 29th day of November, 2018.

TINA R. ROBINSON PROSECUTING ATTORNEY

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## KITSAP COUNTY PROSECUTOR'S OFFICE - CRIMINAL DIVISION

# November 30, 2018 - 8:44 AM

## **Transmittal Information**

Filed with Court: Court of Appeals Division I

**Appellate Court Case Number:** 77736-0

**Appellate Court Case Title:** State of Washington, Respondent v. Arnold M. Cruz, Appellant

**Superior Court Case Number:** 15-1-00436-9

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