

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Petitioner,	)	NO. 97616-3
	)	
vs.	)	ANSWER TO MOTION TO
	)	STRIKE ONE PARAGRAPH
WILLIAM L PHILLIP, JR.,	)	IN REPLY
	)	
Respondent.	)	
	)	
	)	
	)	
	)	

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Phillip moves to strike the final paragraph in the State’s reply to his cross-petition because the paragraph cites to State v. Muhammed, No. 96090-9, slip op. (filed November 7, 2019, Wa. Supreme Court). He argues that this paragraph is inappropriate under RAP 13.4(d) because it refers to the State’s arguments in support of review, rather than to Phillip’s cross-petition.

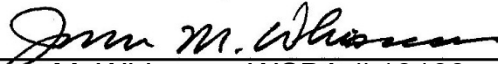
Phillip appears to misunderstand the citation to Muhammed. That case was decided almost a month after Phillip filed his Answer and Cross-Petition and two weeks before the State filed its Reply. The decision addresses the constitutional authority to discern the ANSWER TO MOTION TO STRIKE ONE PARAGRAPH IN REPLY

location of a cellular telephone. The issues in this case deal with authority to obtain records of the location of a cell phone. The State cited the Muhammed decision because it was very recent and dealt with a somewhat similar topic.

But, the State also expressly pointed out that Muhammed “has no bearing on whether review *should or shouldn't* be granted in this case.” Reply at 3 (italics added). This citation is neither an argument in *support* of review nor an argument *against* cross-review. It simply alerts the court to the State’s views on a very recent case. Of course, because Muhammed was decided after Phillip filed his cross-petition, the State certainly has no objection to him filing a short document expressing his views on how, if at all, that case affects either the State’s petition or his cross-petition.

DATED this 22nd day of November, 2019.

DANIEL T. SATTERBERG  
Prosecuting Attorney

By:   
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ANSWER TO MOTION TO STRIKE  
ONE PARAGRAPH IN REPLY

**KING COUNTY PROSECUTOR'S OFFICE - APPELLATE UNIT**

**November 22, 2019 - 9:38 AM**

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**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97616-3  
**Appellate Court Case Title:** State of Washington v. William Phillip Jr.

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