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FILED
Court of Appeals
Division I
State of Washington
9/25/2019 4:42 PM

FILED
SUPREME COURT
STATE OF WASHINGTON
9/26/2019
BY SUSAN L. CARLSON
CLERK

97660-1

COURT OF APPEALS
STATE OF WASHINGTON
DIVISION I

STATE OF WASHINGTON,
Respondent,

v.

D'ANGELO JIMENEZ,
Appellant.

NO. 77719-0-1

**AMENDED AGREED MOTION FOR
EXTENSION OF TIME TO FILE
PETITION FOR REVIEW AND
AFFIDAVIT OF COUNSEL**

13 COMES NOW, the Appellant, D'ANGELO JIMENEZ, and files this AGREED
14 MOTION FOR EXTENSION OF TIME TO FILE PETITON FOR REVIEW AND
15 AFFIDAVIT OF COUNSEL. In support thereof, Mr. Jimenez submits the following:

AFFIDAVIT OF COUNSEL

17 I, ARTURO D. MENENDEZ, am the attorney of record for the appellant in the above-
18 captioned cause, and, being over the age of eighteen and a resident of the State of Washington,
19 hereby attest under the penalties of perjury of Washington:

20 1. The Petition for Review in the above-captioned case was due on September 16,
21 2019.

22 2. On that date, undersigned counsel moved for a continuance of that due date,
23 with the agreement of opposing counsel.

1 3. Undersigned counsel cited “several different emergencies” that day which made
2 it impossible for him to file Mr. Jimenez’ petition for review on that date and asked for a one-
3 week continuance to be able to finish and file Mr. Jimenez’ petition.

4 4. This Court denied the motion without prejudice, allowing undersigned counsel
5 to provide additional information regarding these emergencies in an amended motion.

6 5. At the time of the drafting of the original motion for extension of time,
7 undersigned counsel was about almost finished with the petition for review and could have
8 completed it that day.

9 6. Remaining to be drafted were the final two arguments to be made and
10 compilation of the appendices to be filed with the petition.

11 7. That day, September 16th, 2019, undersigned counsel was set to visit a potential
12 new client at the Grays Harbor County Jail.

13 8. The drive from Seattle to Montesano takes two-and-a-half hours. Undersigned
14 counsel planned on finishing the petition on the drive. Nevertheless, upon embarking on the
15 journey, the pleadings had not been properly uploaded to undersigned counsel’s laptop.
16 Undersigned counsel attempted to download them using a personal hotspot on the way to
17 Grays Harbor, but those efforts were fruitless.

18 9. Upon arriving at Grays Harbor, undersigned counsel visited his potential new
19 client and downloaded the necessary drafts to be finished using the Grays Harbor County
20 Court’s Wi-Fi.

21 10. Over the weekend preceding September 16, 2019, undersigned counsel had
22 some gastro-intestinal issues – not worthy of the emergency room, but worthy of medication
23 and rest.

1 11. That Monday, believing that the worst of these issues were over, undersigned
2 counsel did not take any medication to abate any possible remaining gastro-intestinal issues.

3 12. That being the case, even though the proper drafts pleadings were now available
4 for counsel to continue working, counsel spent most of the time going to the restroom or being
5 distracted by such needs.

6 13. Undersigned counsel therefore chose to file a motion for a continuance of the
7 due date.

8 14. Undersigned counsel is currently counsel of record in the following cases
9 pending:

10 a. *State v. Alfaro-Torres*, 18-1-05930-1 KNT (King Cty. Superior Ct.), wherein
11 my client is charged with Child Molestation in the First Degree.

12 b. *Tukwila v. Bermudez-Mendoza*, 9Z0621445 (Tukwila Municipal Ct.), wherein
13 my client is charged with Assault Fourth Degree, but is currently in involuntary
14 commitment at NAVOS, awaiting examination by WSH.

15 c. *State v. Castro-Fierro*, 5737A18D (Snohomish Cty. Dist. Ct.), wherein my
16 client is charged with his second DUI.

17 d. *State v. Hovhannisyan*, 18-100449-18 (Kitsap Cty. Superior Ct.), wherein my
18 client is charged with Identity Theft Second Degree.

19 e. *Moussaoui*, 17-1-05837-4 KNT (King Cty. Superior Ct.) wherein my client is
20 charged with Rape Second Degree.

21 f. *State v. Paz*, 18-1-00178-23 (Mason Cty. Superior Ct.) wherein my client is
22 charged with kidnapping, child molestation, and indecent exposure.
23

1 g. *Soto-Cardenas*, 17-1-00880-8 (Kitsap Cty. Superior Ct.) wherein my client is
2 charged with Assault First Degree with Sexual Motivation.

3 h. *Rivera-Ruiz v. Douglas County et al.*, 19-cv-170 (E.D.Wash.), a § 1983 lawsuit
4 against Douglas County for violating defendants' constitutional rights at their initial
5 appearances.

6 Undersigned counsel therefore renews his request for an extension of time to file Mr.
7 Jimenez' petition for review from September 16, 2019 to September 23, 2019.

8 DATED this 25 day of SEPTEMBER 2019.

9 ARTURO D. MENENDEZ

10 Arturo D. Menendez
11 Attorney for Mr. Jimenez
12 WSBA# 43880
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**COURTS OF APPEALS
STATE OF WASHINGTON
DIVISION I**

STATE OF WASHINGTON,
Respondent,

v.

D'ANGELO JAIME JIMENEZ,
Appellant.

No. 77719-0-I

**SUPPLEMENTAL AFFIDAVIT OF
COUNSEL IN SUPPORT AMENDED
MOTION FOR CONTINUANCE OF
PETITON FOR REVIEW FILING
DATE**

I, ARTURO MENÉNDEZ, am the attorney of record in the above-captioned case and, being over the age of eighteen and a resident of the State of Washington, hereby attest under the penalties of perjury of the State of Washington:

1. On September 25, 2019, undersigned counsel filed an amended motion to continue the due date for a petition for review to the Supreme Court of Washington.

2. In that motion undersigned counsel referred to “gastro-intestinal issues” which caused difficulty in completing Mr. Jimenez’ petition for review.

3. The “gastro-intestinal issues” referred to by counsel were, more specifically, diahrea and vommiting.

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Presented by:

ESPADA CRIMINAL DEFENSE P.S.

/s/ ARTURO D. MENÉNDEZ

Arturo D. Menéndez, WSBA No. 43880

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ESPADA CRIMINAL DEFENSE

September 25, 2019 - 4:42 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 77719-0
Appellate Court Case Title: State of Washington, Res/Cross-App. v. D'Angelo Jaime Jimenez, App/Cross-Res.
Superior Court Case Number: 16-1-00442-8

The following documents have been uploaded:

- 777190_Motion_20190925164018D1735663_8922.pdf
This File Contains:
Motion 1 - Continue
The Original File Name was 2019_09_25 Amended Motion for Extension of Time.pdf

A copy of the uploaded files will be sent to:

- Diane.Kremenich@co.snohomish.wa.us
- TH@espadalaw.com
- diane.kremenich@snoco.org
- lee@leerousso.com
- nathan.sugg@snoco.org
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Comments:

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