

FILED
SUPREME COURT
STATE OF WASHINGTON
3/6/2020 2:10 PM
BY SUSAN L. CARLSON
CLERK

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	NO. 98201-5
PETITIONER,)	
)	
v.)	MOTION FOR STAY OF
)	PETITION FOR REVIEW
JERRY L. PETERSON,)	PENDING <i>STATE v. CYR</i>
RESPONDENT.)	
_____)	

1. IDENTITY OF MOVING PARTY

Petitioner, State of Washington, by and through Sara I. Beigh, Deputy Prosecuting Attorney for Lewis County, requests the relief set out below.

2. STATEMENT OF RELIEF SOUGHT

To stay the current petition for review pending this Court's determination of *State v. Cyr*, Supreme Court Case No. 97323-7.

3. GROUNDS FOR RELIEF

RAP 17.1(a) authorizes parties to seek relief by motion to this Court.

4. FACTS/REQUEST FOR RELIEF

Sara I. Beigh, Deputy Prosecuting Attorney for Lewis County, Lewis County Prosecuting Attorney's Office, for Appellant State of Washington, declares under penalty of perjury under the laws of the

State of Washington that the following is true and correct:

I am currently a deputy prosecuting attorney for the Lewis County Prosecutor's Office. I am currently the only deputy charged with handling the appeals on a full time basis for the Lewis County Prosecutor's Office. I have handled all aspects of Ms. Peterson's appeal, including briefing in the Court of Appeals, oral argument at the Court of Appeals, and the filing of the petition for review.

As the only deputy prosecutor charged with handling appeals for the Lewis County Prosecutor's Office, I have also handled all aspects of *State v. Johnny Ray Cyr*, Supreme Court Case No. 97323-7 (COA No. 50912-1-II), including all briefing and oral argument before this Court on February 25, 2020. Therefore, I am intimately aware of the issues involved in both cases and how the issues in *Cyr* could affect Ms. Peterson's case.

While the issues in Ms. Peterson's case are not identical to *Cyr*, depending on how this Court rules in *Cyr* could greatly affect the outcome in Ms. Peterson's case, up to and including the State requesting its petition for review be voluntarily dismissed/withdrawn. In both cases the State has prosecuted the defendant's for Selling Heroin for Profit pursuant to RCW 69.50.410. In both matters the

State's position was RCW 69.50.408 doubled the maximum sentence and the standard range sentence was the sentence found on the drug sentencing grid in the SRA, 9.94A.517. Ms. Peterson's case was sentenced differently than Cyr's due to Ms. Peterson's trial counsel arguing the provisions in RCW 69.50.410 differently than Cyr's trial counsel.

Due to the high probability of this Court's decision in *State v. Cyr* having direct application to Ms. Peterson's case, the State respectfully requests this Court stay its petition for review in Ms. Peterson's case pending this Court's decision in *Cyr*.

RESPECTFULLY SUBMITTED this 6th day of March, 2020.



Sara I. Beigh, #35564
Deputy Prosecuting Attorney
Lewis County Prosecuting Attorney's Office
Attorney for the Appellant

LEWIS COUNTY PROSECUTORS OFFICE

March 06, 2020 - 2:10 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98201-5
Appellate Court Case Title: State of Washington v. Jerry L. Peterson
Superior Court Case Number: 17-1-00222-9

The following documents have been uploaded:

- 982015_Motion_20200306140927SC526537_6762.pdf
This File Contains:
Motion 1 - Stay
The Original File Name was Motion to Stay PFR.Peterson.pdf

A copy of the uploaded files will be sent to:

- teri.bryant@lewiscountywa.gov
- tweaver@tomweaverlaw.com

Comments:

Sender Name: Sara Beigh - Email: sara.beigh@lewiscountywa.gov

Address:

345 W MAIN ST FL 2
CHEHALIS, WA, 98532-4802
Phone: 360-740-1240

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