

3. Facts Relevant to Motion

The Supreme Court authorized Mr. Murry to file a Supplemental Petition for Discretionary Review (SPDR), confined to issues presented in his pro se Statement of Additional Grounds (SAG) by August, 27, 2020.

The transcripts and Clerk's Papers total 7,510 pages.

Mr. Murry's SAG is thirty-six (36) typed pages.

The State Supplemental Response Brief to the SAG is fifty (50) pages. RAP 10.10(f).

Mr. Murry's counsel was excluded from providing RAP 10.10(f) supplemental briefing on the SAG by the Court of Appeals. See: SPDR, Issue A., pgs. 7-10. Thus, Mr. Murry has been forced to include foundational elements (standards of review, extensive citations to case law and record, arguments) which would ordinarily be included in briefing or supplemental briefing filed by counsel, not in a Petition for Discretionary Review. These inclusions were necessary to provide a coherent and sufficient factual basis for his legal arguments.

Due to the page limitations under RAP 13.4(f), Mr. Murry has already eliminated several SAG issues; seeking review of only 5 of 17 issues originally presented.

With constant law library access (instead of two days a week) and a word processor, Mr. Murry could probably reduce the length by revising. However, given the realities of prison legal access and the fact that his typewriter supplies are temporarily depleted, this SPDR is the best he could do with the time allotted and the resources available.

4. Grounds for Relief and Argument

RAP 10.4(b) authorizes the filing of an overlength brief for compelling reasons.

RAP 1.1(a) provides that the RAPs apply to both the Supreme Court and the Court of Appeals.

RAP 1.2(a) states, in part:

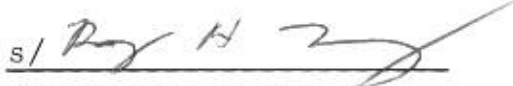
These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or non-compliance with these rules...

As stated above, the Court of Appeals denied Mr. Murry's counsel the opportunity to file RAP 10.10(f) supplemental SAG briefing. This action has necessitated that Mr. Murry compensate for the lack of briefing by his counsel by including foundational and relevant elements in his Supplemental Petition for Discretionary Review.

Therefore, Mr. Murry respectfully requests that the Court grant the filing of a forty-one (41) page [in fact 43, due to a numbering error] Supplemental Petition for Discretionary Review.

DATED the 26th day of August, 2020.

Respectfully submitted:



Roy Howard Murry
Defendant/Appellant

Counsel: Mr. Dennis W. Morgan, WSBA #5286
Attorney for Defendant/Appellant
PO Box 1019
Republic, Washington 99166
Telephone: (509) 775-0777
Fax: (509) 775-0776
Email: nodblspk@rcabletv.com

INMATE

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