

THE SUPREME COURT OF THE STATE OF
WASHINGTON

STATE OF WASHINGTON,)
Respondent,) 102498-3
v.) No. _____
(CoA No. 59961-2-II)
MOTION TO
ENLARGE
TIME FOR FILING
Robert Nelson,) PETITION
Appellant,) FOR REVIEW
(RAP 18.8)

I. IDENTITY OF MOVING PARTY AND RELIEF
REQUESTED

COMES NOW the petitioner, by and through the undersigned attorney of record, and upon all the files, records, and proceedings herein, moves this Court for the relief designated below.

II. STATEMENT OF RELIEF SOUGHT

So that the ends of justice might be served, petitioner moves the court for the entry of an order extending and

enlarging the time to file the Petition for Review.

III. GROUNDINGS FOR RELIEF SOUGHT

As grounds for and in support of this motion, petitioner avers the following:

1. The Court of Appeals opinion in this matter was issued on September 19, 2023. The Petition for Review was due October 19, 2023.

2. Per internal office procedure, counsel emailed the Petition for Review to office support staff for filing midday on October 19 for filing the same day. Counsel mistakenly emailed the wrong document for filing, and staff could not complete filing of the petition.

3. Counsel was notified of the error by email at 4:08 PM on the October 19, while counsel was at a child's doctor's appointment. Counsel did not return home until after the close of business on the 19th, and could not provide staff with the correct filing the same day.

4. Mr. Nelson has continuously expressed his desire to

petition this Court for review, and but for counsel's error, would not have allowed the deadline for filing the petition to elapse.

5. Pursuant to RAP 18.8, this Court may enlarge the time within which a Petition for Review must be filed in order to serve the ends of justice. Time for a Petition for Review to be filed may be enlarged to prevent a gross miscarriage of justice. RAP 18.8(b).

6. Due to counsel's inadvertent error, Mr. Nelson respectfully requests a one-day extension to permit filing of the Petition for Review to prevent a gross miscarriage of justice. The petition is being filed simultaneously with this motion.

III. CONCLUSION

Counsel asks this Court to extend the time to file the Petition for Review to October 20, 2023.

This motion complies with RAP 18.17 and contains approximately 344 words.

DATED this 20th day of October 2023.

/s Tiffinie B. Ma

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DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Motion to Extend time to File the Petition for Review to the Supreme Court** to which this declaration is affixed/attached, was filed in the **Court of Appeals – Division Two** under **Case No. 56961-2-II**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

respondent Sara Beigh
[sara.beigh@lewiscountywa.gov]
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Lewis County Prosecuting Attorney

petitioner

Attorney for other party



MARIA ANA ARRANZA RILEY, Paralegal
Washington Appellate Project

Date: October 20, 2023

WASHINGTON APPELLATE PROJECT

October 20, 2023 - 1:22 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 56961-2
Appellate Court Case Title: State of Washington, Respondent v. Robert Eric Nelson, Appellant
Superior Court Case Number: 21-1-00550-1

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