

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

NO. 93692-7

v.

MOTION TO EXTEND
TIME FOR FILING
PETITION FOR REVIEW

ROBERT COLLINS,
Juvenile Petitioner.

I. IDENTITY OF MOVING PARTY

Petitioner, ROBERT COLLINS, moves this Court for a motion to extend time to file the petition for review.

II. STATEMENT OF RELIEF SOUGHT

Robert Collins asks this Court to extend the time to file his petition for review by one day to September 23, 2016. R.A.P. 18.8.

III. FOUNDATIONS FOR RELIEF SOUGHT

1. Robert Collins is asking to extend the time for filing his petition for review from September 22, 2016 until September 23, 2016.

2. The issues raised in this petition address important issues which merit review. Robert Collins was a ten year old boy when he was prosecuted for assault in the second degree. In his petition, Robert Collins asks this Court to review the capacity hearing procedures, which have not

been examined by this Court since the United States Supreme Court began examining the capacity and culpability of juveniles to commit crime.

Robert Collins also raises the question of whether *J.B.D. v. North Carolina* requires a fact finder to apply the “reasonable child” standard to assault and self-defense.

3. It had always been the intention to file a petition for review in this matter. When the Court of Appeals issued its order modifying the original decision in this case, I calculated the due date for the petition for review to September 23, 2016. Inadvertently, my calculation was one day beyond the date in which the petition was due.

4. It should be recognized I am a full time public defender and work in an office with limited resources. My yearly caseload is not supposed to exceed 36 new assignments with a transcript length of 350 pages but my individual caseload involves complex and lengthy appeals that exceeds this limit. We have one paralegal responsible for preparing files and filing briefs for all of the attorneys in our office, which consists of thirteen attorneys. Caseloads for our office exceeded the Indigent Defense Standards in the last fiscal year, requiring the Office of Public Defense to stop assigning the office cases for the last month of the fiscal year.

5. My workload during this period was also high. During the 30 day time period in which this petition for review was due, I had to file opening briefs in *State v. Coronado*, *State v. Pigge*, *State v. Davis*, *State v. Howard*, and *State v. Schnebly*. I also filed other petitions for review, a number of reply briefs and conducted oral arguments.

IV. CONCLUSION

Due to these extraordinary circumstances, the inadvertence of the error, the single day of additional time requested, and to prevent a gross miscarriage of justice in a case involving a conviction for a 10-year-old boy, a one day extension of time to file the petition for review should be granted. Robert Collins respectfully requests this Court extend the time for filing his petition for review to September 23, 2016.

DATED this 11th day of October 2016.

Respectfully submitted,


A handwritten signature in black ink, appearing to read 'T. Stearns', with a long horizontal flourish extending to the right.

TRAVIS STEARNS (WSBA 29935)
Washington Appellate Project (91052)
Attorneys for Appellant

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 of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 93692-7**, 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 David Trefry
Yakima County Prosecuting Attorney
[David.Trefry@co.yakima.wa.us]
- petitioner
- Attorney for other party


MARIA ANA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: October 11, 2016

WASHINGTON APPELLATE PROJECT

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