

Jan 17, 2017, 5:01 pm

RECEIVED ELECTRONICALLY

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

vs.

JOHN MARK CROWDER,

Respondent.

NO. 94042-8

STATE'S MOTION FOR EXTENSION OF  
TIME FOR FILING PETITION FOR  
REVIEW TO DATE OF RECEIPT

**I. IDENTITY OF MOVING PARTY**

COMES NOW, the State of Washington, Petitioner, by and through Andy Miller, Prosecuting Attorney, and Anita I. Petra, Deputy Prosecuting Attorney in the above-captioned cause, and asks for the relief designated in Part II.

**II. STATEMENT OF RELIEF SOUGHT**

Petitioner respectfully requests that the Court extend the due date for the State's petition for review to January 4, 2017, the date of its receipt by the Court of Appeals, Division III Clerk's Office.

**III. GROUNDS FOR RELIEF SOUGHT**

The appellate decision in *State v. Crowder*, No. 32869-4, was issued on December 1, 2016. The State's petition for review was due for filing in the Division III clerk's office January 3, 2017, by 4:30 p.m. Since the date the decision was issued, the undersigned deputy prosecutor has been

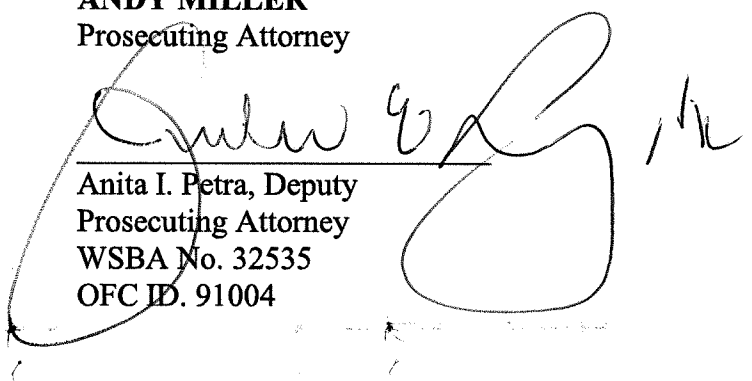
experiencing a very demanding caseload, followed by the holidays, a prescheduled vacation, and poor driving conditions due to inclement weather, which resulted in the State being unable to start its petition for review until shortly before the January 3rd deadline. The State finished its petition the afternoon of Tuesday, January 3, 2017, but a few additional minutes were needed to finalize the petition, and it was subsequently electronically filed January 3, 2017, at 4:46 p.m., resulting in the petition being marked as filed the following day, January 4, 2017. This motion has not been brought for purposes of delay or tactical advantage, and no party will suffer any prejudice.

#### IV. CONCLUSION

The Court is asked to enter an order extending the due date for the State's petition for review to January 4, 2017, the date of its receipt by the Court of Appeals, Division III Clerk's Office.

**RESPECTFULLY SUBMITTED** this 17<sup>th</sup> day of January, 2017.

**ANDY MILLER**  
Prosecuting Attorney



Anita I. Petra, Deputy  
Prosecuting Attorney  
WSBA No. 32535  
OFC ID. 91004

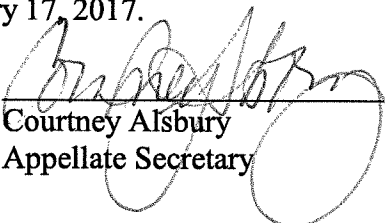
**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this day I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

Andrea Burkhart  
Burkhart & Burkhart PLLC  
6 1/2 N 2nd Ave, Ste 200  
Walla Walla, WA 99362-1855

E-mail service by agreement  
was made to the following  
parties:  
andrea@burkhartandburkhart.  
com

Signed at Kennewick, Washington on January 17, 2017.

  
\_\_\_\_\_  
Courtney Alsbury  
Appellate Secretary