

FILED
DEC 27 2017
WASHINGTON STATE
SUPREME COURT

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WASHINGTON STATE
SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

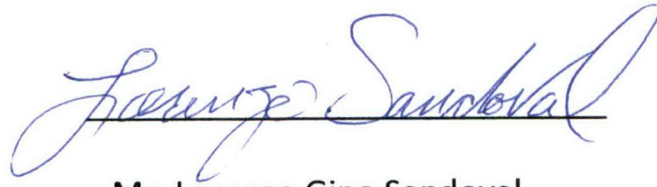
LORENZO GINO SANDOVAL,		SUPREME COURT
Plaintiff, Appellant,		NO. 95239-6.
		APPELLANT'S MOTION FOR AN
Vs.		EXTENSION OF TIME, RAP 18.8
CHERYL L. SULLIVAN, et al.,		
Defendant's/Respondents.		

COMES NOW Petitioner, Plaintiff/Appellant pro se, Mr. Lorenzo Gino Sandoval, and respectfully moves this Court for an Order extending the time for filing his PETITION FOR REVIEW, from the Washington State Court of Appeals Division II, Case No. 49001-3-II, Pursuant to RAP 18.8.

Appellant supports this his Motion with a Declaration based on the records and files herein and the attached exhibits.

Done this 27 day of December, 2017.

Respectfully Submitted,



Mr. Lorenzo Gino Sandoval
Special Pro-Se Litigant
22828-108th Avenue SE
Kent, Washington 98031

DECLARATION

I, Mr. Lorenzo Gino Sandoval, declares under Oath and says:

1. I am the Petitioner, Plaintiff/Appellant in this matter. I am over the age of 18.
2. I am a Citizen Born in the United States of America.
3. I am competent to testify.
4. I assert the following facts from my own personal knowledge and observations.
5. I had a deadline of: November 27th, 2017, to file a PETITION FOR REVIEW, from the entry of the decision of October 24, 2017, from the Washington State Court of Appeals Division II, Case No. 49001-3-II.
6. On November 15th, 2017, I mailed Petitioner, Plaintiff/Appellant his NOTICE FOR PETITION FOR REVIEW WITH A POSTAL MONEY ORDER IN THE AMOUNT OF \$200.00 to all parties and Courts in this matter. See: Attached Exhibit-A, (COPY OF POST OFFICE DATED 11/15/17).
7. On November 28th, 2017, The Washington State Supreme Court Clerk sent Petitioner a letter explaining that he is late filing his Petition For Review, and that it should have been filed on November 27, 2017. (See: EXHIBIT-B, (Copy of letter from the State Supreme Court Clerk).

8. Petitioner should be granted a grace period of the time it took the post office from Kent Washington to Olympia Washington due to Holiday of: Thanksgiving, and it should not have taken 13 days from Kent Washington to Olympia.

9. This raises an exception to the Rule due to a holiday with the mailing, and it should not have taken 13 days to be mailed from the Post Office in Kent. See Exhibit-B, (Receipt from Post Office in Kent Washington).

10. I believe in good faith that I am not late filing my Petition, I Mailed to this Court 13 days early the required documents to go forward with my appeal.

11. I now respectfully moves this Court to grant me a 30 day extension of time to complete my PETITION FOR REVIEW, as the Clerk of this Court has informed me that I must file a request for an extension of time with a proposed Petition For Review. See: EXHIBIT-B, (Letter from State Supreme Court Clerk, 2 pages).

I declare under penalty of perjury under the laws of the State of Washington that all of the above foregoing is true and correct to the best of my knowledge. RCW 9A.72.085, and 28 U.S.C. 1746.

(NOTE:)

ATTACHED: EXHIBIT-A, (COPY OF POST OFFICE RECEIPT);

ATTACHED: EXHIBIT-B, (LETTER FROM CLERK OF THE STATE SUPREME COURT, 2 PAGES).

DATED THIS 27 DAY OF DECEMBER, 2017.


Mr. Lorenzo Gino Sandoval
22828-108th Avenue SE
Kent, Washington 98031

Pet's Mt for an
Extension of Time:

Rec'd
12-03-17.

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

November 29, 2017

LETTER SENT BY E-MAIL ONLY

Lorenzo Gino Sandoval
22828-108th Avenue SE
Kent, WA 98031

Hon. Derek Byrne, Clerk
Division II, Court of Appeals
950 Broadway, Suite 300
MS-TB-06
Tacoma, WA 98402

Cassie B. vanRoojen
Attorney General's Office Corrections
1125 Washington Street SE
P.O. Box 40116
Olympia WA 98504-0116

Re: Supreme Court No. 95239-6 – Lorenzo Gino Sandoval v. Cheryl L. Sullivan, et al.
Court of Appeals No. 49001-3-II

Clerk, Counsel and Mr. Sandoval:

The Petitioner's "PLAINTIFF-APPELLANT'S NOTICE TO THE COURT AND TO DEFENDANT'S COUNSEL, HIS FILING FOR PETITION FOR REVIEW" was received on November 28, 2017, along with a postal money order for \$200 for the filing fee (#24564337143). The matter has been assigned the above referenced Supreme Court cause number.

The notice indicates that the Petitioner *intends* to file a petition for review. However, any such petition for review would not be timely filed. Pursuant to RAP 13.4(a) the 30-day period in which to file a timely petition for review runs from entry of the decision of October 24, 2017. It is noted that RAP 13.4(a) in pertinent portion provides:

If no motion for reconsideration of all or part of the Court of Appeals decision is made, a petition for review must be filed within 30 days after the decision is filed.

Accordingly, any petition for review should have been filed by November 27, 2017.

The Petitioner may seek an extension of time in which to file the petition for review by filing a motion for extension of time to file a petition for review. **Any such motion should be served and filed in this Court by December 27, 2017, and must be accompanied by a proposed petition for review.** If both the motion for extension of time and proposed petition for review are not filed by December 27, 2017, this matter will likely be dismissed.



The motion should be supported by an appropriate affidavit establishing good cause for the delay in filing the petition for review; see RAP 18.8 as to extension of time for filings and RAP Title 17 as to the general rules governing motions and the service and filing of the same. A motion for extension of time to file is normally not granted; see RAP 18.8(b).¹

The contents and style of the proposed petition for review should conform to the requirements of RAP 13.4(c), (e) and (f). It is noted that RAP 13.4(f) provides that the petition for review "should not exceed 20 pages double spaced, excluding appendices." I have enclosed for the Petitioner a copy of RAP 13.4 and Forms 9, 5, and 6, and part F of Form 3 from the appendix to the Rules of Appellate Procedure (RAP).

The Court of Appeals Clerk is directed to forward to this Court the entire file in the above-referenced Court of Appeals case.

Sincerely,



Erin L. Lennon
Supreme Court Deputy Clerk

ELL:fw

¹ RAP 18.8(b) states: "The appellate court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file a notice of appeal, a notice for discretionary review, a motion for discretionary review of a decision of the Court of Appeals, a petition for review, or a motion for reconsideration. The appellate court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. The motion to extend time is determined by the appellate court to which the untimely notice, motion or petition is directed."

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KENT
WA

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11/15/2017 (800)275-8777 8:44 AM

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(Friday 11/17/2017)

Supreme COURT

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(Weight:0 Lb 1.40 Oz)
(Estimated Delivery Date)
(Friday 11/17/2017)

Def's Counsel.

First-Class Mail	1	\$1.19
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(Friday 11/17/2017)

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Cash	\$20.00
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WASHINGTON STATE SUPREME COURT **CASE NO. 95239-6.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served all parties, or their counsel of record, a true and correct copy of these document's by United States Mail, postage prepaid, at the following address:

Appellant's Motion For An Extension Of Time, Declaration in support, Order Granting Extension Of Time, Exhibit's-letter from Washington State Supreme Court dated November 29th, 2017, (2 pages), Post office receipt of mailing my Notice to file a Petition For Review, Plaintiff/Petitioner-Appellant his (Proposed) PETITION FOR REVIEW as requested, and a Copy of the Washington State Court of Appeals Division TWO "UNPUBLISHED OPINION Dated October 24,2017,Case No.49001-3-II.

TO: Ms. CASSIE B. vanROOJEN, WSBA# 44049
Assistant Attorney General (AAG),
Corrections Division
P.O.BOX 40116
Olympia, WA 98504-0116
Phone# (360) 586-1445

AND PERSONALLY HAND DELIVERY TO:

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WASHINGTON STATE
SUPREME COURT

TO: CLERK, OF THE WASHINGTON STATE
SUPREME COURT
TEMPLE OF JUSTICE
P.O.BOX 40929
OLYMPIA, WA 98504-0929

I Certify under penalty of perjury under the laws of the State
of Washington that the foregoing is true and correct.
RCW 9A.72.085.

DATED this 27th, day of December, 2017, In Kent, Washington.

FOR
Warren E. Bell *Lorenzo*
Sandoval

Mr. Warren E. Bell

FOR: Mr. Lorenzo G. Sandoval

Special Pro Se Litigant

22828-108th Avenue SE

KENT, Washington 98031

CERTIFICATE OF
SERVICE: