

FILED
Court of Appeals
Division I

State of Washington
11/30/2018 1:08 PM

SERVICE	Lila Jane Silverstein 1511 3rd Avenue Suite 701 Seattle, WA 98101-3647 Email: lila@washapp.org ; wapofficemail@washapp.org
	Kathleen A. Shea 1511 Third Avenue Suite 701 Seattle, Wa 98101-3647 Email: kate@washapp.org ; wapofficemail@washapp.org
A copy of this document was served via U.S. Mail or the recognized system of interoffice communications, or, if an email address appears above, electronically. I certify (or declare) under penalty of perjury under the laws of Washington that the foregoing is true and correct. <i>C. A. Shea</i> November 30, 2018, Port Orchard, WA	
Original e-filed at the Supreme Court, Copy to counsel listed above. Office ID #91103 kcpa@co.kitsap.wa.us	

IN THE SUPREME COURT OF WASHINGTON

THE STATE OF WASHINGTON,)	No. <u>96599-4</u>
)	
Petitioner,)	STATE'S MOTION TO CONSOLIDATE
)	PETITIONS FOR REVIEW
v.)	
)	Court of Appeals Nos.
ARNOLD MAFNAS CRUZ,)	77930-3-1 & 77736-0-I
)	
Respondent.)	

I. IDENTITY OF MOVING PARTY

The respondent, STATE OF WASHINGTON, asks this Court for the relief designated in Part II of this motion.

II. STATEMENT OF RELIEF SOUGHT

The State respectfully moves to consolidate its petitions for review in the above captioned cases.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

III. FACTS RELEVANT TO MOTION

Case number 77930-3-1 involves Cruz’s conviction for rendering criminal assistance in a first-degree murder case. The Court of Appeals reversed the conviction, finding the charging document insufficient.

Case number 77736-0-I involves a possession of methamphetamine and bail jumping case in which Cruz challenged his exceptional sentence.

The cases were sentenced together, and based on the reversal in the rendering case, the Court of Appeals also vacated the sentence in the drug case.

IV. GROUNDS FOR RELIEF AND ARGUMENT

The State seeks review of the conclusion of the Court of Appeals that the information inadequately charged the crime of rendering criminal assistance. That decision was the sole basis for the reversal of the sentence in the drug case. It is therefore in the interests of judicial economy that the two matters be considered together.

The State therefore respectfully requests that these two matters be consolidated for review.

DATED this 29th day of November, 2018.

TINA R. ROBINSON
PROSECUTING ATTORNEY



RANDALL A. SUTTON, WSBA No. 27858



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Deputy Prosecuting Attorney
kcpa@co.kitsap.wa.us

STATE'S MOTION TO CONSOLIDATE;
Page 3 of 3



Tina R. Robinson, Prosecuting Attorney
Appeals Unit
614 Division Street, MS-35
Port Orchard, WA 98366-4681
(360) 328-1577; Fax (360) 337-4949
www.kitsapgov.com/pros

KITSAP COUNTY PROSECUTOR'S OFFICE - CRIMINAL DIVISION

November 30, 2018 - 1:08 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 77930-3
Appellate Court Case Title: State of Washington, Respondent v. Robert L. Davis, Arnold M. Cruz, & Robert Pry, Appellants
Superior Court Case Number: 16-1-00002-7

The following documents have been uploaded:

- 779303_Motion_20181130130731D1247828_1364.pdf
This File Contains:
Motion 1 - Consolidate
The Original File Name was CRUZ ARNOLD 77930 3 1.pdf

A copy of the uploaded files will be sent to:

- Sloanej@nwattorney.net
- kcpa@co.kitsap.wa.us
- lila@washapp.org
- marietrombley@comcast.net
- valerie.marietrombley@gmail.com
- wapofficemail@washapp.org
- winklerj@nwattorney.net

Comments:

Sender Name: Carol Opalinski - Email: copalins@co.kitsap.wa.us

Filing on Behalf of: Randall Avery Sutton - Email: rsutton@co.kitsap.wa.us (Alternate Email:)

Address:
614 Division Street, MS-35
Port Orchard, WA, 98366
Phone: (360) 337-7171

Note: The Filing Id is 20181130130731D1247828