

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
4/17/2019 8:49 AM  
BY SUSAN L. CARLSON  
CLERK

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

No. 97071-8

Appellant,

**RESPONDENT'S MOTION FOR  
LEAVE TO FILE AMENDED  
PETITION FOR REVIEW BY THE  
SUPREME COURT**

v.

STEVENS COUNTY DISTRICT COURT  
JUDGE,

Respondent.

**1. IDENTITY OF MOVING PARTY**

Respondent Stevens County District Judge is The Hon. Gina Tveit. At the trial court level Judge Tveit was the Defendant and the State of Washington was the Plaintiff. The trial court ruled in favor of Judge Tveit. The State of Washington appealed the trial court's ruling to Division III of the Court of Appeals in an appeal styled *State of Washington, Appellant vs. Stevens County District Court Judge, Respondent*. The Court of Appeals reversed the trial court at \_\_ Wn.App. \_\_\_, 436 P.3d 430 (Wn.App. 2019). In Judge Tveit's Petition for Review filed with this Court the parties were designated in the style used by the Court of Appeals.

**2. STATEMENT OF RELIEF SOUGHT**

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RESPONDENT'S MOTION FOR LEAVE TO FILE AMENDED  
PETITION FOR REVIEW BY THE SUPREME COURT  
Page 1 of 4

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1 Judge Tveit seeks leave of this Court to file an Amended Petition for Review by the  
2 Supreme Court.

3 **3. FACTS RELEVANT TO MOTION**

4 The Petition for Review filed on behalf of Judge Tveit should have included a short and  
5 concise argument directed to the considerations for accepting review as set forth in RAP 13.4(b).

6 **4. GROUNDS FOR RELIEF AND ARGUMENT**

7 RAP 13.4(b) sets forth four circumstances when a petition for review will be accepted by  
8 the Supreme Court. The Petition for Review filed on behalf of Judge Tveit overlooked this  
9 important requirement. Leave of this Court to file an Amended Petition for Review by the  
10 Supreme Court is requested so that subpart (3) and (4) of RAP 13.4 can be addressed. In this case  
11 there is a significant question of law under the Constitution of the State of Washington and the  
12 case involves an issue of substantial public interest.

13 It is intended that the Amended Petition for Review be exactly the same as the original  
14 Petition for Review other than the addition of one section in "VI. ARGUMENT" addressing the  
15 factors set forth in subparts (3) and (4) of RAP 13.4(b).

16 This Court has allowed a party to file an amended petition for review. *See, e.g., Margitan*  
17 *v. Hanna*, 192 Wn.2d 1018, 433 P.3d 808 (2019) (denying a motion to file a second amended  
18 petition for review); *State v. Williams*, 192 Wn.2d 1012, 432 P.3d 791 (2019) (granting a motion  
19 to amend the petition for review). *Cf. State v. Hughes*, 192 Wn.2d 1008, 430 P.3d 275 (2018) (the  
20 Court considered a supplemental petition for review).

21 **5. CONCLUSION**



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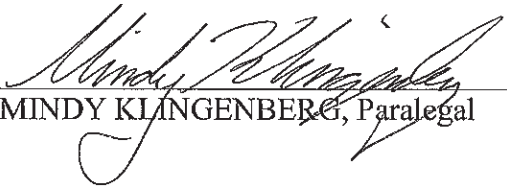
**CERTIFICATE OF SERVICE**

I certify that I emailed a copy of this document and I mailed a copy of this document by first class United States mail to:

Will Morgan Ferguson, Deputy Prosecuting Attorney  
Office of the Stevens County Prosecutor  
215 S. Oak, Room No. 114  
Colville, WA 90114  
[will.ferguson208@gmail.com](mailto:will.ferguson208@gmail.com)

DATED this 17<sup>th</sup> day of April, 2019 at Ephrata, WA.

JERRY MOBERG & ASSOCIATES, P.S.

  
MINDY KLINGENBERG, Paralegal

**JERRY MOBERG & ASSOCIATES, P.S.**

**April 17, 2019 - 8:49 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97071-8  
**Appellate Court Case Title:** State of Washington v. Stevens County District Court Judge  
**Superior Court Case Number:** 18-2-00062-7

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