

THE SUPREME COURT FOR THE STATE OF WASHINGTON

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STATE OF WASHINGTON,	)	Supreme Court No. 99379-3
Respondent,	)	COA No. 37166-2-III
	)	
	)	MOTION TO
v.	)	CONSOLIDATE
	)	
I.A.S.,	)	
Petitioner	)	
	)	

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I. IDENTITY OF MOVING PARTY AND RELIEF SOUGHT

I.A.S., the petitioner, asks this Court to consolidate the petition for review filed in his case with the petition filed in *State v. M.Y.G.*, Court of Appeals number 37240-5-III (petition filed Dec. 30, 2020, S.Ct. No. 99374-2). The Court of Appeals decided both cases in published opinions entered on the same day, addressing the same issue. It serves the ends of justice and judicial efficiency to join these cases for review.

II. GROUND FOR RELIEF SOUGHT

Petitioner I.A.S. appeals from the Court of Appeals decision ordering he submit to the collection of a biological

sample for DNA analysis at the time he entered a deferred disposition in juvenile court.

M.Y.G.'s case raises the identical legal issue. *State v. M.Y.G.*, \_ Wn. App. \_, \_ P.3d \_, COA No. 37240-5-III, 2020 WL 7038617 (Dec. 1, 2020). M.Y.G.'s petition for review was filed on December 30, 2020, S.Ct. No. 99374-2. The Court of Appeals decided both cases on the same day, in published opinions. Both decisions reach the same result but rest on "somewhat different grounds" and were written by different judges from the Court of Appeals. Slip op. at 2 n.2.

#### IV. ARGUMENT

The Rules of Appellate Procedure are liberally interpreted to promote justice and facilitate the decision of cases on the merits. RAP 1.2. RAP 3.3(b) authorizes the consolidation of cases for the purpose of review, when it saves time and expense and provides for a fair review of the cases.

The interest of justice favor consolidating I.A.S.'s case with M.Y.G.'s due to the overlapping issues, the interrelated arguments raised, and the benefit in having somewhat different analysis of the same issue.

Both cases raise significant issues in published decisions that merit this Court's consideration. The cases should be consolidated and review granted.

V. CONCLUSION

I.A.S. respectfully requests this Court consolidate his case with *M.Y.G.* and grant review in both cases.

DATED this 31st day of December 2020.

Respectfully submitted,



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**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

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STATE OF WASHINGTON,	)	
	)	
RESPONDENT,	)	
	)	
v.	)	COA NO. 37166-2-III
	)	
I.A.S.,	)	
	)	
JUVENILE PETITIONER.	)	

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 31<sup>ST</sup> DAY OF DECEMBER, 2020, I CAUSED THE ORIGINAL **MOTION TO CONSOLIDATE** TO BE FILED IN THE **COURT OF APPEALS – DIVISION THREE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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1100 W. MALLON AVENUE		
SPOKANE, WA 99260		

**SIGNED** IN SEATTLE, WASHINGTON THIS 31<sup>ST</sup> DAY OF DECEMBER, 2020.



X \_\_\_\_\_

# WASHINGTON APPELLATE PROJECT

December 31, 2020 - 2:59 PM

## Transmittal Information

**Filed with Court:** Court of Appeals Division III  
**Appellate Court Case Number:** 37166-2  
**Appellate Court Case Title:** State of Washington v. I.A.S.  
**Superior Court Case Number:** 19-8-00481-5

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