
STATE OF WASHINGTON,)	
)	
Respondent,	)	No. 99393-9
)	
v.	)	MOTION TO PERMIT
	)	TRIAL COURT TO ENTER
TERYSA BRAKE,	)	AGREED ORDER OF
	)	VACATUR AND
Petitioner.	)	DISMISSAL

A. IDENTITY OF MOVING PARTY AND RELIEF SOUGHT

Petitioner Terysa Brake asks this Court to permit the trial court to enter an agreed order that vacates Ms. Brake's conviction and dismisses the cause with prejudice. See RAP 7.2(e)(2).

B. ARGUMENT

The State and Ms. Brake agree that it is in the interests of justice that her conviction for bail jumping be vacated and the cause dismissed with prejudice. An agreed motion and order was submitted to the trial court to obtain this relief. The trial court signed the order, a copy of which is attached in the appendix. Consistent with Rules of Appellate Procedure, Ms. Brake seeks this Court's permission for formal entry of the order. See RAP 7.2(e)(2). Once entered by the trial court, Ms. Brake's petition for review will be moot. She asks that this Court enter an order granting the

trial court permission to enter this agreed order and for dismissal of the petition for review.

C. CONCLUSION

Ms. Brake requests that this Court enter a ruling permitting the trial court to enter the agreed order of vacatur and dismissal. The petition for review should be dismissed as moot.

Respectfully submitted this 16th day of June, 2021.



Richard W. Lechich – WSBA #43296
Washington Appellate Project – #91052
Attorney for Petitioner

Appendix

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- I deposited this document in the mails of the United States of America with a properly stamped and addressed envelope, by first class mail, postage prepaid, directed to the following person--
- This document was placed in the recognized system for interoffice written communication with local law offices, directed to the following person--

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: June 15, 2021
Place: Port Orchard, WA

Karyn A. Szymanski

IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
	)	No. 17-1-01865-18
Plaintiff,)	
	)	MOTION FOR ORDER VACATING AND OF
v.	)	DISMISSAL
)	
TERYSA ANN BRAKE,)	
Age: 47; DOB: 02/07/1974,)	
)	
Defendant.)	

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney, JOHN L. CROSS, Deputy Prosecuting Attorney, and hereby moves the Court for an order vacating the conviction and dismissing the charge(s) with prejudice for the reasons discussed herein.

This Motion is based upon the files and records herein, and the attached certification of counsel.

DATED this 15th day of June, 2021.

STATE OF WASHINGTON
[Signature]

JOHN L. CROSS, WSBA No. 20142
Deputy Prosecuting Attorney

CERTIFICATION OF JOHN L. CROSS

I, JOHN L. CROSS, am a duly qualified, appointed and acting Deputy Prosecuting Attorney for the Kitsap County Prosecuting Attorney's Office, and I am familiar with the records and files herein.



1 The above-entitled matter should be dismissed with prejudice for the following
2 reason(s)–

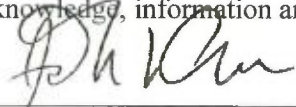
3 The matter is pending on Ms. Brake's petition for review before the Washington Supreme
4 Court, no. 99393-9, following affirmance of her conviction for bail jumping in the Court of
5 Appeals. It is the state's position that the Court of Appeals correctly decided the case by proper
6 application of the relevant law. However, on further consideration, the matter should be
7 dismissed in the interests of justice.

8 The state's position follows from the legislative amendments made to the bail jumping
9 statute that soon-followed Ms. Brake's conviction. Simply put, the acts supporting Ms. Brake's
10 conviction are no longer criminal. The state, and likely this Court, take seriously offenses that
11 interfere with the administration of justice. But the legislature has determined that Ms. Brake's
12 behavior herein was not a criminal insult to the administration of justice.

13 Moreover, Ms. Brake was sentenced herein with no felony criminal history and the state
14 is not aware of any since then. Ms. Brake has complied with her sentence. All that remains in
15 the case is the question whether Ms. Brake must wait the statutory time-period to move to vacate
16 the conviction or whether her record should be immediately cleared. Under the unique
17 circumstances of this case, the interests of justice will best be served by the latter course.

18
19 I certify (or declare) under penalty of perjury under the laws of the State of Washington
20 that the foregoing is true and correct to the best of my knowledge, information and belief.

21 DATED: June 15, 2021
22 PLACE: Port Orchard, WA



23 JOHN L. CROSS, WSBA No. 20142
24 Deputy Prosecuting Attorney

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Prosecutor's File Number–17-160120-3



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IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,)	
)	No. 17-1-01865-18
Plaintiff,)	
	)	ORDER OF VACATUR AND DISMISSAL
v.	)	[PAGE 1, LINE 22]
)	
TERYSA ANN BRAKE,	)	[CLERK'S ACTION REQUIRED]
Age: 47; DOB: 02/07/1974,)	
)	
Defendant.)	

THIS MATTER having come on regularly before the undersigned Judge of the above-entitled Court on the motion of the Prosecution for vacating and dismissal of the charge(s); the parties appearing by and through their attorneys of record below-named; and the Court having considered the motion, briefing, argument of counsel and the records and files herein, and being fully advised in the premises, now, therefore, it is hereby-

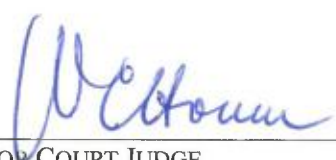
ORDERED that the conviction entered in the above-entitled cause shall be vacated and the cause dismissed with prejudice for the reasons stated in the Prosecution's motion to dismiss.

IT IS FURTHER ORDERED that this order shall not take effect until filed with the Superior Court Clerk and shall not be filed with the Superior Court Clerk until the entry of the order is authorized pursuant to RAP 7.2 by the Washington Supreme Court under cause no. 99393-9.



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DATED this 15th day of June, 2021.

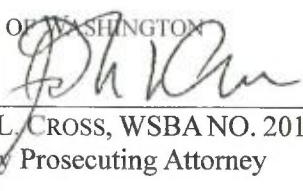


SUPERIOR COURT JUDGE

PRESENTED BY--

APPROVED FOR ENTRY--

STATE OF WASHINGTON



JOHN L. CROSS, WSBA NO. 20142
Deputy Prosecuting Attorney

s/ Richard W. Lechich
WSBA No. 43296
Attorney for Defendant
Washington Appellate Project
1511 3rd Ave., Ste. 610
Seattle, WA 98101-1683
ELECTRONICALLY APPROVED; GR 30

Prosecutor's File Number--17-160120-3



DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 99393-9**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

respondent John Cross
[jcross@co.kitsap.wa.us]
[kcpa@co.kitsap.wa.us]
Kitsap County Prosecutor's Office

petitioner

Attorney for other party



MARIA ANA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: June 16, 2021

WASHINGTON APPELLATE PROJECT

June 16, 2021 - 3:48 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 99393-9
Appellate Court Case Title: State of Washington v. Terysa Ann Brake
Superior Court Case Number: 17-1-01865-0

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