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No. 96980-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

CERTIFICATION FROM THE NINTH CIRCUIT COURT OF
APPEALS IN:

PHONSAVANH PHONGMANIVAN

Petitioner-Appellant,

v.

RON HAYNES,

Respondent-Appellee.

PETITIONER-APPELLANT'S OPENING BRIEF
ON CERTIFIED QUESTION

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I. Introduction

Mr. Phongmanivan's personal restraint petition ("PRP") became final no earlier than April 16, the date of his certificate of finality and the date specified within the text of the certificate as the date the operative court of appeals order "became final." ER 17.

The Respondent-Appellee's contrary position not only contradicts the text of the certificate of finality and the very name of that certificate, but also contradicts the way that other courts use the certificate of finality. As federal and Washington courts including this Court acknowledge through stay orders, it is not appropriate to take action based on a pending PRP case until the certificate of finality or the mandate issues. This understanding of a PRP's finality is also supported by the Washington Rules of Appellate Procedure.

From a policy perspective, the Court should adopt a rule here that is consistent with the way Washington law treats the finality of cases on direct appeal and in certified question cases. To carve out a narrow exception here for a personal restraint petition that was both dismissed by the chief judge and not accepted for review by this Court (as the Respondent-Appellee argued to the Ninth Circuit) would disrupt the logical expectations of pro se petitioners for no legitimate purpose.

The Court should answer the certified question by identifying the date that the certificate of finality issues (or, in the alternative, the date given by the text within the certificate of finality as the date the operative court of appeals opinion “became final”), but it should also reformulate the certified question to ensure that its answer conforms to United States Supreme Court law regarding statutory tolling in 28 U.S.C. § 2244(d)(2).

II. Certified Question and Suggestion for Reformulation

To assist in determining whether Mr. Phongmanivan is entitled to statutory tolling of the federal statute of limitations for his federal habeas petition under 28 U.S.C. § 2244(d)(2), the Ninth Circuit Court of Appeals certified the following question to the Washington Supreme Court:

Is the denial of a personal restraint petition final when the Washington Supreme Court denies a motion to modify an order of its Commissioner denying discretionary review of the state appellate court’s denial, or is the denial not final until the Clerk of the Washington Court of Appeals issues a certificate of finality as required by Rule 16.15(e)(1)(c) of the Rules of Appellate Procedure?

Order Certifying Question at 7, No. 16-36018 (9th Cir. Mar. 19, 2019).

The court also made clear that this Court was free to reformulate the certified question in its discretion. *Id.* (citing *Broad v.*

Mannesmann Anlagenbau AG, 196 F.3d 1075, 1076 (9th Cir.

1999)).

Because the tolling question ultimately turns on how long Mr. Phongmanivan's PRP *application* was "pending," 28 U.S.C. § 2244(d)(2), under state law, and because the Court may find more than the two potential dates suggested above relevant to this question, Mr. Phongmanivan urges this Court to reformulate the question. The Court should answer this question, which is an accurate statement of the state-law issue under controlling United States Supreme Court law:

When did Mr. Phongmanivan's PRP proceeding cease "pending" under state law, that is, how long was Washington's "ordinary state collateral review process [] 'in continuance'" and when did it reach "final resolution"? *See Carey v. Saffold*, 536 U.S. 214, 219–20 (2002) (defining the statutory term "pending" in 28 U.S.C. § 2244(d)(2)).

The Court is not limited to the dates suggested by the Ninth Circuit in answering this question, and besides the date the certificate of finality is issued, the Court should consider the date specified by the text of the certificate of finality. Specifically, Mr. Phongmanivan's certificate of finality stated that the court of appeals order in his case "became final on April 1, 2016." ER 17. Although in Mr. Phongmanivan's case, the date in the text of the certificate is the same date the certificate was issued, counsel's investigation of other Washington certificates of finality reveals this is not always the case.

Because Mr. Phongmanivan’s PRP proceeding did not reach “final resolution” until the certificate of finality said that it did, the Court should answer the certified question by stating that Mr. Phongmanivan’s PRP proceeding was pending and did not reach final resolution until April 1, 2016, the date of the certificate of finality.

III. Standard of Review

This court reviews certified questions of law de novo. *Frias v. Asset Foreclosure Servs., Inc.*, 181 Wn.2d 412, 420, 334 P.3d 529, 533 (2014) (citing *Carlsen v. Global Client Solutions, LLC*, 171 Wn.2d 486, 493, 256 P.3d 321 (2011)). The Court considers the questions presented “in light of the record certified by the federal court.” *Id.*

IV. Statement of the Case

A. State Court Procedural History

Mr. Phongmanivan was found guilty after a jury trial of two counts of Washington Assault in the First Degree, contrary to RCW 9A.36.011, while armed with a firearm, and was sentenced to 306 months (93 months on each count, plus 60 months for each firearm finding, each term running consecutive to the others). Judgment and Sentence, SER 19–20.

Through counsel, Mr. Phongmanivan appealed his conviction. SER 44–85. The Washington Court of Appeals affirmed the conviction, SER 115, and denied a motion for reconsideration. SER 133. Mr.

Phongmanivan petitioned for review by the Washington Supreme Court. SER 134–203. Review was denied on December 11, 2013. SER 204. Mr. Phongmanivan did not file a petition for certiorari, and the time for filing such a petition expired March 11, 2014. Sup. Ct. R. 13.

Mr. Phongmanivan effectively filed a personal restraint petition in the Washington Court of Appeals on February 4, 2015. SER 205. The Court of Appeals dismissed the petition on the merits on May 4, 2015. SER 329. Mr. Phongmanivan moved for discretionary review in the state Supreme Court. SER 329. The Washington Supreme Court Commissioner denied review. SER 381. Mr. Phongmanivan moved to modify the Commissioner’s ruling. SER 388. The Washington Supreme Court denied the motion to modify on February 10, 2016. SER 411. The Washington Court of Appeals issued a “certificate of finality” on April 1, 2016. ER 17.

B. Federal Court Procedural History

Mr. Phongmanivan effectively filed a pro se § 2254 petition in the federal district court on April 9, 2016. *See* SER 482. The magistrate judge found that Mr. Phongmanivan’s personal restraint petition was pending only until this Court’s order denying the motion to modify the Commissioner’s ruling (without specifically considering the date the certificate of finality issued) and therefore recommended dismissing the petition on the basis that it was untimely by 23 days, ER 9, 12, but also

recommended granting a certificate of appealability on whether the statute of limitations should be equitably tolled. ER 13. The district court judge adopted the report and recommendation in its entirety, granting a certificate of appealability on the equitable tolling question. ER 15–16.

After Mr. Phongmanivan filed a pro se opening brief and the Respondent-Appellee filed a response brief in the Ninth Circuit Court of Appeals, the Ninth Circuit Appellate Commissioner appointed counsel in part to brief the question “whether statutory tolling applies until the Washington state court issues a certificate of finality,” which, if answered in the affirmative, would render Mr. Phongmanivan’s federal habeas petition timely. 9th Cir. Dkt. 34. After the case was briefed by the undersigned counsel for Petitioner-Appellant and counsel for Respondent-Appellee, including substitute opening and response briefs, the Ninth Circuit panel issued its order certifying a question to this Court.

C. Legal Context for the Certified Question

The legal context for the question posed by the Ninth Circuit is how long the federal statute of limitations should be tolled under 28 U.S.C. § 2244(d)(2):

The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim *is pending* shall not be counted toward any period of limitation under this subsection.

Id. (emphasis added). In the Ninth Circuit, the Respondent-Appellee argued that federal law, not state law, solely controlled this question. Answering Br. at 10. But that view has been rejected by the United States Supreme Court, *Carey v. Saffold*, 536 U.S. 214, 219–20 (2002), and now, through the act of certifying the instant question of state law, it has implicitly been rejected by the Ninth Circuit. Thus, the panel’s citation of Ninth Circuit cases, particularly those preceding *Saffold*, about when other state’s collateral review proceedings cease “pending,” are not relevant to this Court’s analysis of state law. Furthermore, the United States Supreme Court has recognized that states’ collateral review proceedings may be pending until a “mandate” or similar filing is issued. *See Holland v. Florida*, 560 U.S. 631, 638 (2010) (describing Florida courts’ mandate as the operative end date for AEDPA statutory tolling); *cf. Gonzalez v. Thaler*, 565 U.S. 134, 152 n.11 (2012) (citing *Ex parte Johnson*, 12 S.W.3d 472, 473 (Tex. Crim. App. 2000) (per curiam)) (noting that Texas direct review cases are not final until the mandate issues). Nothing in federal law prevents this Court from holding that the mandate or certificate of finality in Washington performs a similar function.

V. Argument

A. Mr. Phongmanivan’s PRP Case Was Not Final Until His Certificate of Finality Said It Was

A Washington case is not final until a mandate or certificate of finality says it is. There is a reason why the “certificate of finality” is called a certificate of “finality”: It indicates to other courts awaiting the conclusion of the case that nothing further will occur in the case and that the other court can take action as of the date of that certificate. This announcement is part of the case’s conclusion and thus the proceeding is “in continuance” and has not reached “final resolution” until it occurs. See *Saffold*, 536 U.S. at 219–20.

1. *A certificate of finality (or mandate) is the case action chosen by Washington law to signal finality.*

The certificate of finality (or mandate) is the case action chosen by Washington law to signal finality and trigger any linked activity by the federal and lower courts, even when the certificate of finality (or mandate) is not technically required by the Rules of Appellate Procedure. When this Court, in deciding when a stay of execution had lifted, evaluated the conclusion of a capital PRP case with original jurisdiction in this Court, it rejected the State’s view that “the original action is over” when this Court denied relief under the PRP—the same basic argument the Respondent-Appellee has made before the district court and Ninth Circuit. *In re Pers.*

Restraint of Lord, 123 Wn.2d 737, 738–39, 870 P.2d 964, 966 (1994) (per curiam). Rather, the Court held that because motions for reconsideration are permitted, such a rule would be inappropriate. *Id.* at 740. The Court went on to hold that a separate order of the Court was required to lift the stay of execution, and that it would issue that order “once the proceedings have come to a close.” *Id.* “Although not a technical requirement of the rules,” the Court further held, “the clerk will also continue to issue a ‘certificate of finality’ *at that time* to indicate to all lower courts *and the federal courts* that the proceedings in this court have come to an end.” *Id.* (emphasis added). *Lord* demonstrates that a certificate of finality (or a mandate) is the state’s preferred marker of finality for personal restraint proceedings, including for the purpose of notifying federal courts, and that it is purposefully separate from the order denying relief.

Accordingly, lower Washington courts use certificates of finality to tell them when they can proceed with stayed cases. *See, e.g., In re Pers. Restraint of Langford*, No. 21569-5-III, 2004 WL 2966944, *1 (Wn. App. Dec. 23, 2004) (“We stayed Mr. Langford’s petition pending a decision and issuance of a certificate of finality in *In re Personal Restraint of Hinton*, [Wn.2d], 100 P.3d 801 (2004). The Hinton decision became final on December 14, 2004. We now lift the stay in this petition.”); *see also Hinton* docket, Ex. 1 (showing that the certificate of finality issued

December 14, 2004); *In re Pers. Restraint of Knight*, No. 50369-7-II, 2018 WL 4341123, at *1 (Wn. App. Sept. 11, 2018) (“We stayed review of this petition pending a decision in Knight’s other petition, No. 49521-0-II, discussed below. A certificate of finality in that petition issued on August 21, 2018, therefore the stay in this matter is hereby lifted.”). At least some federal courts—including the magistrate judge who recommended finding Mr. Phongmanivan’s federal habeas petition untimely—use the certificate of finality or mandate in that manner as well. *See, e.g.*, Order Granting Petitioner’s Motion to Stay and Abey Habeas Petition, *Eggum v. Boe*, No. 14-cv-1328-RAJ-MAT, Dkt. 103 at 1 (W.D. Wash. Aug. 10, 2017).

Because this Court already recognizes the certificate of finality as the case action that, both for legal and practical purposes, signals finality in the Washington courts, the Court should hold that a PRP proceeding is “in continuance” and does not reach “final resolution” until it is filed.

2. *The Rules of Appellate Procedure demonstrate that a proceeding has not reached final resolution until the certificate of finality or mandate issues.*

Washington’s Rules of Appellate Procedure demonstrate that Washington proceedings—whether civil, criminal, or personal restraint petition—are not final until a certificate of finality or mandate say they are. The general Rule 12.7, titled “Finality of Decision,” provides that the court of appeals “loses the power to change or modify its decision” upon

one of three events, one of which is this Court accepting review of the court of appeals decision, and one of which is “the issuance of a certificate of finality as provided in . . . rule 16.15.(e).” Rule 16.15(e), applicable *only* to personal restraint petitions, provides:

(e) Certificate of Finality. A certificate of finality is the written notification of the clerk of the appellate court to the trial court and the parties that the proceedings in the appellate court have come to an end.

Thus, Rule 12.7 makes clear that a “decision” on a PRP proceeding is “final[]” when the certificate of finality issues.

The Rules of Appellate Procedure also include a rule specific to capital cases (possibly adopted in part to reflect the holding in *Lord*, 123 Wn.2d at 738–39) that provides that “[a] stay of execution will dissolve when a certificate of finality is issued unless otherwise ordered by the court.” RAP 16.24 (adopted Dec. 30, 1997). This provision also reflects the understanding that a personal restraint proceeding ends when a certificate of finality is issued.

The Respondent-Appellee suggested to the Ninth Circuit that even if these rules provide for finality in most cases, a special exception applied to personal restraint petitions that are dismissed as frivolous by the court of appeals. But the meaning and function of a certificate of finality does not change depending on the procedural posture of the case—and it should

not change in the middle of a proceeding, particularly where pro se litigants are being tasked with interpreting the finality of their case on their own.

3. *Because direct review and certified cases are clearly not final until a case action similar to a certificate of finality occurs, the Court should adopt the same rule for PRP proceedings.*

In Washington, direct review cases are “final” (absent a petition for certiorari filed in the United States Supreme Court) when the mandate issues. *See* RCW 10.73.090(3)(b). Similarly, opinions in certified question proceedings, as in the case under review, are “final[]” when certified, which occurs “at the time a mandate would issue as provided in rule 12.5.” RAP 16.16(g). In this statutory and regulatory context, it only makes sense that a PRP proceeding would not reach final resolution until a mandate or certificate of finality issues.

To the extent the law is not clear that a PRP is not final until the certificate of finality (or mandate) issues, policy considerations also counsel in favor of a rule that is consistent with this statutory context. In particular, a consistent, predictable rule benefits pro se petitioners. When their petitions challenge convictions that result in noncapital sentences, neither personal restraint petitioners nor federal habeas petitioners are entitled to counsel as a matter of right. *See* RCW 10.73.150(4); *Knaubert*

v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). To the extent possible, this Court should adopt clear rules that are consistent with the expectations of pro se petitioners, who often recall (because it is important to the calculation of their PRP filing deadline) that their direct review case became final for state purposes on the issuance of a mandate and who see that a similar filing, issued at the conclusion of their PRP proceeding, has announced the “finality” of their PRP case. To hold that some other date—not accompanied by any such “finality” announcement—was the true date when their PRP proceeding became final under state law would disrupt their logical expectations for no legitimate purpose.

VI. Conclusion

The Court should hold that a Washington personal restraint petition proceeding is “in continuance” and does not reach “final resolution” until the certificate of finality (or mandate) issues.

DATED this 10th day of July, 2019.

s/ Ann K. Wagner
WSBA # 51352
Assistant Federal Public Defender
Attorney for Phonsavanh Phongmanivan

CERTIFICATE OF SERVICE

I certify that on July 10, 2019, I electronically filed the foregoing Opening Brief using the Washington State Appellate Courts' Portal, which will serve the document on all registered parties of record. I further certify I have mailed the document to Phonsavanh Phongmanivan at Stafford Creek Corrections Center.

s/ Alma R Coria
Paralegal

Exhibit 1

In re Personal Restraint of Hinton Docket

Events for Case # 735042			
Date	Item	Action	Participant
12/30/2004	Check case Information <i>Comment: ACTIVATE CASE NO 73266-3 WHEN THIS CASE IS FINAL-- ALSO COURT NEEDS TO ADDRESS APPOINTMENT OF NEW COUNSEL PLEADINGS IN REGARDS TO MCGEE CASE (NO 73266-3) REMOVED FROM APPENDIX FOR HINTON'S OPENING BRIEF ARE IN REJECTED BRIEF DRAWER</i>	Comment	
12/17/2004	Court of Appeals case file (pouch) <i>Comment: SENT TO DIVISION II 20456-8 IZ 742 462 03 4032 3943</i>	Sent by Court	
12/17/2004	Court of Appeals case file (pouch) <i>Comment: SENT TO DIVISION III 19216-4 IZ 742 462 03 4048 7955</i>	Sent by Court	
12/17/2004	Letter <i>Comment: copy of letter sent to Pierce County Superior Court regarding Speedy Trial Rights Claim</i>	Filed	Hinton, Jesse Felix
12/16/2004	Court of Appeals case file (pouch) <i>Comment: SENT TO DIVISION I 44354-2 3 POUCHES; 35222-9 IZ 742 462 03 4030 7881 34543-5 3 POUCHES IZ 742 462 03 4062 3897 37025-1 38048 6 3 POUCHES IZ 742 462 03 4074 7905 33525-1 2 POUCHES 42014-3 2 POUCHES IZ 742 462 03 4007 9913</i>	Sent by Court	
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA

<p>11/18/2004</p>	<p>Opinion</p> <p>Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00216 JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring <i>Comment: 152 Wn.2d 853</i></p>	<p>Filed</p>	<p>MADSEN, BARBARA</p>
<p>09/27/2004</p>	<p>Letter</p> <p><i>Comment: letter from Mitchell Royce requesting appointment of counsel ***copies sent to counsel and Ms. Clark</i></p>	<p>Filed</p>	
<p>09/27/2004</p>	<p>Letter</p> <p><i>Comment: You will need to serve and file a formal motion in that regards ***notation on letter*****</i></p>	<p>Sent by Court</p>	<p>CARPENTER, RONALD R</p>
<p>02/09/2004</p>	<p>Petitioner's Additional Authorities Service Date: 2004-02-09</p>	<p>Filed</p>	<p>MCCLOUD, SHERYL GORDON</p>
<p>01/21/2004</p>	<p>Petitioner's Additional Authorities Service Date: 2004-01-21</p>	<p>Filed</p>	<p>ZUCKERMAN, DAVID B</p>
<p>11/24/2003</p>	<p>Petitioner's Additional Authorities Service Date: 2003-11-24 <i>Comment: Statement of Supplemental Authorities</i></p>	<p>Filed</p>	<p>IARIA, MICHAEL PAUL</p>
<p>11/21/2003</p>	<p>Other Service Date: 2003-11-21</p>	<p>Filed</p>	<p>ELLIS, JEFFREY ERWIN</p>

	<i>Comment: Notice of Change of Address</i>		
11/07/2003	Letter <i>Comment: From Tommy Ragan requesting that he be notified when an opinion is filed in this case (see C/A #29599-7-II for address)</i>	Filed	
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	Set on a calendar <i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i>	Status Changed	
10/28/2003	Oral Argument Hearing <i>Comment: 10:00 AM</i>	Scheduled	
10/27/2003	Petitioners Supplemental brief Service Date: 2003-10-27 <i>Comment: Supplemental Brief of Petitioner **called counsel re: the stay has been lifted in Wiggins and this brief is now filed, it must now be served on all the parties</i>	Filed	IARIA, MICHAEL PAUL
10/27/2003	Decision on Motions <i>Comment: Motion granted at the direction of the assignment justice</i>	Filed	CARPENTER, RONALD R
10/27/2003	Decision on Motions <i>Comment: Motion granted at the direction of the assignment justice</i>	Filed	CARPENTER, RONALD R
10/24/2003	Motion for Supplemental brief Service Date: 2003-10-24 Motion Status: Decision filed <i>Comment: Motion for Permission to File Supplemental Brief</i>	Filed	IARIA, MICHAEL PAUL
10/23/2003	Motion - Other Hearing Location: None Motion Status: Decision filed <i>Comment: Joint Motion to Lift Stay - for Wiggins case #73373-2</i>	Filed	
10/15/2003	Letter <i>Comment: Letter to Judge Hicks: the 8/22/03 notation ruling granted a joint motion to stay Mr. Wiggins's pending personal restraint petition and to allow the trial court to accept a guilty plea and</i>	Sent by Court	CROOKS, GEOFFREY

	<i>impose sentence. The motion elsewhere described the relief sought permission for the trial court to act. The motion did not request that this court direct the trial court to act in a particular fashion, and my ruling did not go beyond the scope of the motion.</i>		
10/15/2003	Letter <i>Comment: letter from Judge Hicks in regarding to Robert Wiggins case (73373-2) asking for clarification of the comm'r ruling of 8/22/03</i>	Filed	
10/15/2003	Petitioners Supplemental brief Service Date: 2003-10-15 <i>Comment: Petitioner's Reply Brief</i>	Filed	CLARK, SUZAN L.
10/15/2003	Answer to motion Service Date: 2003-10-15 <i>Comment: Respondent's Answer to Petitioner's Motion to Quash Consolidation and to Stay</i>	Filed	WHISMAN, JAMES MORRISSEY
10/13/2003	Letter <i>Comment: The motion to quash consolidation and stay petition of Matamua is passed to the merits and will be considered at the same time oral argument is set on 10/28/03. Any answers are due by no later than 10/15/03 and may be filed by fax</i>	Sent by Court	CARPENTER, RONALD R
10/13/2003	Motion for Stay Service Date: 2003-10-13 Motion Status: Received, Pending Action <i>Comment: Motion to Quash Consolidation and Stay Petition of Matamua</i> *****PASSED TO THE MERITS	Filed	ZUCKERMAN, DAVID B
10/13/2003	Letter <i>Comment: The motion to quash consolidation and stay petitions of Hinton and Martinez is passed to the merits and will be considered at the same time oral argument is set on 10/28/03. Any answers are due by no later than 10/15/03 and may be filed by fax</i>	Sent by Court	CARPENTER, RONALD R
10/09/2003	Petitioner's Reply brief Service Date: 2003-10-09 <i>Comment: Petitioner's Reply Brief</i>	Filed	ZUCKERMAN, DAVID B
10/09/2003	Motion for Waiver of Page Limitation Service Date: 2003-10-09	Filed	ZUCKERMAN, DAVID B

	<p>Motion Status: Decision filed <i>Comment: Petitioner's Motion to File Overlength Reply Brief</i></p>		
10/09/2003	Decision on Motions	Filed	MERRITT, C. JERRY
10/09/2003	<p>Petitioner's Reply brief Service Date: 2003-10-09 <i>Comment: Reply Brief (Twyman)</i></p>	Filed	ELLIS, JEFFREY ERWIN
10/06/2003	<p>Motion for Stay Service Date: 2003-10-06 Hearing Location: None Motion Status: Received, Pending Action <i>Comment: Motion to Quash Consolidation and Stay Petitions of Hinton and Martinez</i> ****PASSED TO THE MERITS</p>	Filed	ZUCKERMAN, DAVID B
10/01/2003	<p>Court of Appeals case file (pouch) <i>Comment: 19216-4-III -- LOCATED IN MEZZ</i> **THIS NEEDS TO BE RETURNED WHEN CASE IS FINAL</p>	Received by Court	
09/19/2003	<p>E-mail <i>Comment: TO DIVISION III TO FORWARD FILE, AS REQUESTED</i></p>	Sent by Court	
09/19/2003	<p>Court of Appeals case file (pouch) <i>Comment: 20456-8-II</i> **PUT IN MEZZ WITH DIVISION I FILES FOR THIS CASE WHEN REC'D THIS NEED TO BE RETURNED TO DIVISION II WHEN CASE IS FINAL</p>	Received by Court	
09/17/2003	<p>E-mail <i>Comment: to Division II that file needs to be forwarded</i></p>	Sent by Court	
09/15/2003	<p>Affidavit of Service <i>Comment: DECLARATION OF TRANSMISSION BY MAILING</i></p>	Filed	BURTON, ALICIA MARIE
09/15/2003	<p>Respondents Supplemental brief Service Date: 2003-09-15 <i>Comment: SUPPLEMENTAL BRIEF OF RESPONDENT</i></p>	Filed	BURTON, ALICIA MARIE
09/15/2003	Motion for Waiver of Page Limitation	Filed	BURTON, ALICIA MARIE

	Service Date: 2003-09-15 Motion Status: Decision filed <i>Comment: MOTION TO FILE OVER LENGTH BRIEF</i>		
09/15/2003	Decision on Motions <i>Comment: MOTION GRANTED</i>	Filed	CARPENTER, RONALD R
09/12/2003	Decision on Motions <i>Comment: MOTION DENIED AT THE DIRECTION OF THE ASSIGNMENT JUSTICE</i>	Filed	CARPENTER, RONALD R
09/11/2003	Motion Service Date: 2003-09-11 Hearing Location: None Motion Status: Received, Pending Action <i>Comment: MOTION FOR THIRTY MINUTES OF ORAL ARGUMENT</i>	Filed	MELNICK, RICHARD ALAN
09/10/2003	Decision on Motions <i>Comment: MOTION DENIED AT THE DIRECTION OF THE ASSIGNMENT JUSTICE.</i>	Filed	CARPENTER, RONALD R
09/08/2003	Motion - Other Service Date: 2003-09-08 Motion Status: Decision filed <i>Comment: Motion for Thirty Minutes of Oral Argument</i>	Filed	BURTON, ALICIA MARIE
09/05/2003	Motion Hearing Location: None Motion Status: Decision filed <i>Comment: RESPONDENT'S MOTION TO CHANGE THE ORDER OF CHASES FOR ORAL ARGUMENT ON OCTOBER 28, 2003 E-MAIL</i>	Filed	WHISMAN, JAMES MORRISSEY
09/04/2003	E-mail <i>Comment: Sent e-mail to Division II that file needs to be forwarded to this court</i>	Sent by Court	
08/28/2003	Set on a calendar	Status Changed	
08/28/2003	NOA Setting Letter	Sent by Court	
08/22/2003	Decision on Motions <i>Comment: granted ***this only pertains to #73373-2 - PRP of Wiggins</i>	Filed	CROOKS, GEOFFREY
08/21/2003		Filed	

	<p>Motion for Stay Service Date: 2003-08-21 Motion Status: Decision filed <i>Comment: Joint Motion to Stay Personal Restraint Petition and to Allow Trial Court to Accept Guilty Plea and to Sentence Petitioner (this is for Robert Wiggins case #73373-2)</i></p>		IARIA, MICHAEL PAUL
08/21/2003	<p>Other filing <i>Comment: PAGES 39 & 40 TO HINTON'S BRIEF--TO REPLACE EXISTING PAGES--GIVE TO DESIREE FOR BRIEF TO BE RECOPIED-- REMIND HER THAT REFERENCES IN THE EXISTING BRIEF IN THE APPENDIX TO MR. MCGEE SHOULD BE REMOVED BEFORE THE BRIEF IS RECOPIED</i></p>	Received by Court	
08/11/2003	<p>Letter <i>Comment: IN REGARDS TO ORAL ARGUMENT AVAILABILITY</i></p>	Filed	ZUCKERMAN, DAVID B
08/05/2003	<p>Petitioner's Service Date: 2003-08-05 <i>Comment: Personal Restraint Petition and Amended Opening Brief (Twyman)</i></p>	Filed	ELLIS, JEFFREY ERWIN
08/05/2003	<p>Motion for Amended brief Service Date: 2003-08-05 Motion Status: Decision filed <i>Comment: Petitioner's Motion to File Amended Opening Brief</i></p>	Filed	ELLIS, JEFFREY ERWIN
08/05/2003	<p>Decision on Motions <i>Comment: granted</i></p>	Filed	CROOKS, GEOFFREY
08/04/2003	<p>Other brief Service Date: 2003-08-04 <i>Comment: Appendix to Petitioner's Opening Brief</i></p>	Filed	ELLIOTT, SUZANNE LEE
08/04/2003	<p>Petitioners Supplemental brief Service Date: 2003-08-04 <i>Comment: Petitioner's Opening Brief</i></p>	Filed	ELLIOTT, SUZANNE LEE
08/01/2003	<p>Letter <i>Comment: Acknowledging receipt of Petitioner McGee's motion. A copy is provided to counsel. Counsel for Mr. McGee should advise this court in writing by no later than 8/15/03 concerning the status of their representation of Mr. McGee. No action</i></p>	Sent by Court	CARPENTER, RONALD R

	<i>will be taken on the pending motion at this time. Once the status of representation has been resolved, a date will be established for the filing of any answer to the motion.</i>		
07/31/2003	<p>Motion - Other Calendar Type: Clerk's Motion Calendar</p> <p>Hearing Date: 08/21/2003 Hearing Location: None Motion Status: Received, Pending Action <i>Comment: Motion to Quash Consolidation and Require the Respondent to Answer the Merits of Petitioner's Claims (CONSOLIDATION WAS SEVERED BY COMMISSIONER ON 8-6-03 AND THIS MATTER STAYED PENDING OUTCOME IN 73504-2) ***SEE COMMISSIONER'S NOTATION ORDER IN CASE NO 73266-3</i></p>	Filed	McGee, Vance E.
07/18/2003	<p>Court of Appeals case file (pouch)</p> <p><i>Comment: C/A # 33525-1-I, 34543-5-I - 3 files, 35222-9-I, 37025-1-I (cons. w/38048-6), 42014-3-I, 44354-2-I - 3 files ***LOCATED IN MEZZ. **THESE WILL NEED TO BE RETURNED TO RECORD CENTER WHEN THIS CASE IS FINAL****</i></p>	Received by Court	
07/17/2003	<p>Letter Service Date: 2003-07-17 <i>Comment: regarding the pending motion for release in 73152-7</i></p>	Filed	ELLIOTT, SUZANNE LEE
07/15/2003	<p>Other Service Date: 2003-07-15 <i>Comment: Notice of Potential Conflict (with Pet'r Aljernon Pleasant)</i></p>	Filed	ZUCKERMAN, DAVID B
07/07/2003	<p>Motion for Transfer from C/a Service Date: 2003-07-07 Hearing Location: None Motion Status: Received, Pending Action <i>Comment: Motion to Transfer (C/A # 33525-1-I, 34543-5-I, 35222-9-I, 37025-1-I, 42014-3-I, 44354-2-I, 20456-8-II & 19216-4-III)</i></p>	Filed	ELLIOTT, SUZANNE LEE
07/07/2003	Decision on Motions	Filed	MERRITT, C. JERRY

	<i>Comment: Motion to transfer COA files to the SC is granted</i>		
07/01/2003	Motion to Extend Time to File Service Date: 2003-07-01 Hearing Location: None Motion Status: Decision filed	Filed	ELLIOTT, SUZANNE LEE
07/01/2003	Decision on Motions <i>Comment: Motion granted; the brief of Jesse Hinton, et al., shall be served and filed by no later than 8/1/03, the State's brief or briefs shall be due 9/11/03; any Petitioner's reply shall be due 10/8/03</i>	Filed	CARPENTER, RONALD R
07/01/2003	Motion to Extend Time to File Hearing Location: None Motion Status: Decision filed <i>Comment: Motion for Extension of Time to File Supplemental Brief</i>	Filed	IARIA, MICHAEL PAUL
07/01/2003	Decision on Motions <i>Comment: Wiggin's motion is granted</i>	Filed	MERRITT, C. JERRY
06/11/2003	Letter <i>Comment: Acknowledging receipt of Mr. Wright's Motion. Because Mr. Wright is non represented by counsel, no action will be taken on his motion. Any motion filed on his behalf should be filed by his counsel of record. A copy of this court's ruling appointing counsel dated 6/11/03 is enclosed for counsel of record and the petitioners. A copy of Mr. Wright's motion is provided to counsel for Respondent.</i>	Sent by Court	CARPENTER, RONALD R
06/11/2003	Motion - Other Service Date: 2003-06-11 Motion Status: No Action Necessary <i>Comment: Motion for Specific Performance</i>	Filed	Oliver, Wright
06/11/2003	Motion for Appointment of Counsel Motion Status: Decision filed <i>Comment: Letter - Request for appointment of counsel - Suzanne Elliott, David Zuckerman and Sheryl Gordon McCloud</i>	Filed	ZUCKERMAN, DAVID B
06/11/2003	Decision on Motions <i>Comment: That Suzanne Lee Elliott,</i>	Filed	MERRITT, C. JERRY

	<p><i>Sheryl Gordon McCloud, and David Zuckerman are appointed to represent the following Petitioners jointly: Jessie Hinton, Sean Schaffer, Vance E. McGee, Audencio Chavez, Nathaniel Haux, Jovia Martin, Samuel Matamua, Oliver Wright, Aljeron Pleasant and Miguel Martinez. After further review, each attorney may notify the Court if his or her work must be restricted to specific cases in order to avoid potential conflicts or appearances of conflicts. Until further notice, Petitioners are instructed to send correspondence to Suzanne Elliott at 1300 Hoge Building, 705 Second Avenue, Seattle, WA 98104. Ms. Elliott will arrange for distribution among co-counsel. Further, the Court finds that Petitioners are indigent and the cost of additional transcription, transmission of the record and copying should be provided at public expense.</i></p>		
05/14/2003	<p>Decision on Motions</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term 441/139</i></p>	Filed	CROOKS, GEOFFREY
05/14/2003	Ready	Status Changed	
05/14/2003	<p>Decision Consolidating Appeal</p> <p><i>Comment: Appeal 731527 consolidated to 735042</i></p>		CROOKS, GEOFFREY
05/14/2003	<p>Decision Consolidating Appeal</p> <p><i>Comment: Appeal 738599 consolidated to 735042</i></p>		CROOKS, GEOFFREY
05/14/2003	<p>Decision Consolidating Appeal</p> <p><i>Comment: Appeal 733911 consolidated</i></p>		CROOKS, GEOFFREY

	to 735042		
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 734518 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 732663 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 738513 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 735794 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733791 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733341 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733732 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733392 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 735069 consolidated to 735042</i>		CROOKS, GEOFFREY
04/30/2003	Affidavit of Compliance <i>Comment: Of Service by mail</i>	Filed	
04/30/2003	Answer to motion <i>Comment: Reply brief of Petitioner Jessie Hinton</i>	Filed	
04/23/2003	Response to Personal Restraint Petition <i>Comment: *establish due date When stay Lifted</i>		

04/11/2003	Letter <i>Comment: Acknowledging Respondent's motion for Extension. Pet'r May Serve and file an Answer by no Later Than 4/22/03</i>	Sent by Court	MERRITT, C. JERRY
03/20/2003	Letter <i>Comment: The stay is Lifted due to the Final order in State V. Andress. a Response is due by no Later Than 4/23/03</i>	Sent by Court	CARPENTER, RONALD R
02/03/2003	Motion for Stay Hearing Location: None Motion Status: Decision filed <i>Comment: State's motion to stay Personal Restraint Petition (service Shown)</i>	Filed	BURTON, ALICIA MARIE
02/03/2003	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
01/21/2003	Motion to file W/o Prepayment of Fil Fee Hearing Location: None Motion Status: Decision filed	Filed	Hinton, Jesse Felix
01/21/2003	Decision on Motions <i>Comment: Prepayment of filing fee</i>	Filed	CARPENTER, RONALD R
01/21/2003	Letter <i>Comment: Acknowledging Receipt of Prp. a Response is due by no Later Than 2/25/03. a Copy of the Prp is Provided to the Respondent</i>	Sent by Court	CARPENTER, RONALD R
01/21/2003	Personal Restraint Petition	Filed	Hinton, Jesse Felix
01/21/2003	Case Received and Pending	Status Changed	
Events for Case # 731527			
Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Mandate <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA

<p>11/18/2004</p>	<p>Opinion</p> <p>Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00222 JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring</p>	<p>Filed</p>	<p>MADSEN, BARBARA</p>
<p>10/28/2003</p>	<p>Set on a calendar</p> <p><i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i></p>	<p>Status Changed</p>	
<p>07/22/2003</p>	<p>Decision on Motions</p> <p><i>Comment: denied</i></p>	<p>Filed</p>	<p>CROOKS, GEOFFREY</p>
<p>05/14/2003</p>	<p>Other Decision</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any</i></p>	<p>Filed</p>	<p>CROOKS, GEOFFREY</p>

	<i>Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i>		
05/14/2003	Ready	Status Changed	
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 731527 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision on Motions <i>Comment: Insofar as the motion for Discretionary Review Challenges the Acting Chief Judge's Order, the motion is Denied. but the motion is granted Solely on the Andress Issue. the matter Will be consolidated With In re Prp of Hinton #73504-2. Counsel Shall be Appointed for Mr. Schaffer and Briefing Will Proceed in Accordance With My Ruling in Hinton, a Copy of Which is Attached 441/138</i>	Filed	CROOKS, GEOFFREY
04/30/2003	Answer to motion <i>Comment: *due date Should be Changed to One Week after Decision on motion to Consolidate</i>		
04/28/2003	Motion - Other Motion Status: No Action Necessary <i>Comment: Motion in Objection to link and Consolidate Cases Presenting Felony Murder Issues Certificate of Service</i>	Filed	Schaffer, Sean
04/24/2003	Motion - Other Motion Status: No Action Necessary <i>Comment: Motion in Objection to link and Consolidate Cases Presenting Felony Murder Issues and to set a Briefing Schedule and motion to Request Release of Petitioner (service Shown)</i>	Filed	Schaffer, Sean
04/22/2003	Motion to Extend Time to File Motion Status: Received, Pending Action <i>Comment: Motion to Extend date for filing Respondent's Briefs (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
04/22/2003	Decision on Motions	Filed	CARPENTER, RONALD R

	<i>Comment: Motion granted</i>		
04/18/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues, to Appoint Counsel, and to set a Briefing Schedule (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
03/27/2003	Letter <i>Comment: Acknowledging Receipt of Mr. Schaffer's Letter and Providing a Copy to Counsel for Respondent</i>	Sent by Court	CARPENTER, RONALD R
03/27/2003	Letter <i>Comment: Regarding case</i>	Filed	Schaffer, Sean
03/27/2003	Other Decision <i>Comment: The State is Directed to Submit a Response to Mr. Schaffer's motion Addressing the Impact of Address on this case Both Substantively & Procedurally. Mr. Schaffer Additionally Moves for Release Pending Review. the State's Response Should also Address this Motion. the State's Response is due by 4/30/03. Mr. Schaffer May file a Reply by no Later Than 5/30/03 439/42</i>	Filed	CROOKS, GEOFFREY
12/18/2002	Letter <i>Comment: Your Motions Referenced in Your Letter Were Received on 11/27/02 & 12/3/02. they Will be Considered at the same time as Your motion for Discretionary Review</i>	Sent by Court	MERRITT, C. JERRY
12/18/2002	Letter <i>Comment: Requesting Information on Status of case</i>	Filed	Schaffer, Sean
12/03/2002	Motion - Other Hearing Location: None Motion Status: Decision filed <i>Comment: Motion for Release of Petitioner on His Own Personal Recognizance Pursuant to Rap 16.15(b)</i>	Filed	Schaffer, Sean
12/03/2002	Motion - Other Motion Status: No Action Necessary	Filed	Schaffer, Sean

	<i>Comment: Motion for order of Default Pursuant to Cr 55(a)(1)</i>		
11/27/2002	Motion - Other Motion Status: No Action Necessary <i>Comment: Motion to Accept as Verity</i>	Filed	Schaffer, Sean
11/22/2002	Other filing <i>Comment: Pouch Taken to Commissioner for Consideration</i>	Information - not filed	
10/30/2002	Letter <i>Comment: Acknowledging Receipt of Supplemental motion and Providing a Copy to Respondent</i>	Sent by Court	CARPENTER, RONALD R
10/30/2002	Supplemental Pleadings <i>Comment: Supplemental to motion for Discretionary Review</i>	Filed	Schaffer, Sean
10/23/2002	Court of Appeals case file (pouch) <i>Comment: 51083-5-I</i>	Received by Court	
10/16/2002	Letter <i>Comment: Acknowledging Receipt of Motion. Any Answer is due by no Later Than 11/20/02. a Copy of the motion is Provided to the Respondent</i>	Sent by Court	CARPENTER, RONALD R
10/16/2002	Motion for Discretionary Review-C/a Motion Status: Received, Pending Action	Filed	Schaffer, Sean
10/16/2002	Other filing	Filed	
10/16/2002	Case Received and Pending	Status Changed	
Events for Case # 738599			
Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA

<p>11/18/2004</p>	<p>Opinion</p> <p>Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00229 JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring</p>	<p>Filed</p>	<p>MADSEN, BARBARA</p>
<p>10/28/2003</p>	<p>Heard and awaiting decision</p>	<p>Status Changed</p>	
<p>10/28/2003</p>	<p>Set on a calendar</p> <p><i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i></p>	<p>Status Changed</p>	
<p>05/14/2003</p>	<p>Other Decision</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be</i></p>	<p>Filed</p>	<p>CROOKS, GEOFFREY</p>

	<i>Heard During the Court's Fall Term</i>		
05/14/2003	Ready	Status Changed	
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 738599 consolidated to 735042</i>		CROOKS, GEOFFREY
04/18/2003	Check case Information <i>Comment: Stayed Pending motion to Consolidate in 73152-7</i>	Other Action	
04/18/2003	Letter <i>Comment: Acknowledging Receipt of Prp. a Copy of the Prp is Provided to Resp. a date for the filing of a Response Will not be Established Until the Pending motion in 73152-7 is Determined</i>	Sent by Court	CARPENTER, RONALD R
04/18/2003	Personal Restraint Petition	Filed	Wright, Oliver M.
04/18/2003	Case Received and Pending	Status Changed	

Events for Case # 738513

Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00231 JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring	Filed	MADSEN, BARBARA

	<p>JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring</p>		
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	<p>Set on a calendar</p> <p><i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i></p>	Status Changed	
05/20/2003	<p>Other filing</p> <p><i>Comment: Address change for Petitioner</i></p>	Information - not filed	
05/14/2003	<p>Other Decision</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i></p>	Filed	CROOKS, GEOFFREY
05/14/2003	Ready	Status Changed	
05/14/2003	<p>Decision Consolidating Appeal</p> <p><i>Comment: Appeal 738513 consolidated to 735042</i></p>		CROOKS, GEOFFREY
04/22/2003	<p>Motion to Extend Time to File</p> <p>Motion Status: Received, Pending Action</p> <p><i>Comment: Motion to Extend date for filing Respondent's Briefs (service Shown)</i></p>	Filed	WHISMAN, JAMES MORRISSEY
04/22/2003		Filed	

	Decision on Motions <i>Comment: Motion granted</i>		CARPENTER, RONALD R
04/18/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues, to Appoint Counsel, and to set a Briefing Schedule (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
04/11/2003	Motion to file W/o Prepayment of Fil Fee Motion Status: Received, Pending Action	Filed	Matamua, Samuel
04/11/2003	Decision on Motions <i>Comment: Prepayment of filing fee Waived</i>	Filed	MERRITT, C. JERRY
04/11/2003	Letter <i>Comment: Acknowledging Receipt of Prp. a Response is due by no Later Than 5/14/03</i>	Sent by Court	MERRITT, C. JERRY
04/11/2003	Personal Restraint Petition	Filed	Matamua, Samuel
04/11/2003	Case Received and Pending	Status Changed	

Events for Case # 735794

Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00232 JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles	Filed	MADSEN, BARBARA

	<p>ROLE: Concurring JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring</p>		
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	<p>Set on a calendar</p> <p><i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i></p>	Status Changed	
05/14/2003	<p>Other Decision</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i></p>	Filed	CROOKS, GEOFFREY
05/14/2003	Ready	Status Changed	
05/14/2003	<p>Decision Consolidating Appeal</p> <p><i>Comment: Appeal 735794 consolidated to 735042</i></p>		CROOKS, GEOFFREY
04/22/2003	<p>Motion to Extend Time to File</p> <p>Motion Status: Received, Pending Action</p>	Filed	WHISMAN, JAMES MORRISSEY

	<i>Comment: Motion to Extend date for filing Respondent's Briefs (service Shown)</i>		
04/22/2003	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
04/18/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues, to Appoint Counsel, and to set a Briefing Schedule (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
03/20/2003	Letter <i>Comment: The stay is Lifted due to the Final order in State V. Address. a Response is due by no Later Than 4/23/03</i>	Sent by Court	CARPENTER, RONALD R
02/27/2003	Notice of Appearance <i>Comment: (service Shown)</i>	Filed	SUMMERS, ANN MARIE
02/27/2003	Motion for Stay Motion Status: Received, Pending Action <i>Comment: Motion for stay Pending Resolution of motion for Reconsideration of State V. Address (service Shown)</i>	Filed	SUMMERS, ANN MARIE
02/27/2003	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
02/20/2003	Motion to file W/o Prepayment of Fil Fee Motion Status: Received, Pending Action	Filed	Martinez, Miguel
02/20/2003	Decision on Motions <i>Comment: Prepayment of filing fee Waived</i>	Filed	CARPENTER, RONALD R
02/20/2003	Case Received and Pending	Status Changed	
02/20/2003	Letter <i>Comment: Acknowledging Receipt of Prp. a Response is due by no Later Than 3/27/03. a Copy of the Prp is Provided to Respondent</i>	Sent by Court	CARPENTER, RONALD R

02/20/2003	Personal Restraint Petition	Filed	Martinez, Miguel
Events for Case # 735069			
Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00230 JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring	Filed	MADSEN, BARBARA
10/08/2004	Motion for Appointment of Counsel Service Date: 2004-10-08 Hearing Location: None Motion Status: No Action Necessary <i>Comment: **notation on motion: Placed in the file without action, Mr. Royce is already represented by counsel, to wit: Ms. Susan L. Clark - Deputy Clerk</i>	Filed	Royce, Mitchell
10/28/2003	Heard and awaiting decision	Status Changed	

10/28/2003	Set on a calendar <i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i>	Status Changed	
05/14/2003	Other Decision <i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i>	Filed	CROOKS, GEOFFREY
05/14/2003	Ready	Status Changed	
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 735069 consolidated to 735042</i>		CROOKS, GEOFFREY
04/24/2003	Response to Personal Restraint Petition <i>Comment: Response to Personal Restraint Petition (service Shown)</i>	Filed	MELNICK, RICHARD ALAN
04/18/2003	Affidavit of Compliance <i>Comment: Affidavit of Service on Petitioners for motion to Consolidate</i>	Filed	
04/15/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues (service Shown to Other Counsel in this case only - not Other Cases)</i>	Filed	MELNICK, RICHARD ALAN
03/20/2003	Letter <i>Comment: The stay is Lifted due to the</i>	Sent by Court	CARPENTER, RONALD R

	<i>Final order in State V. Andress. a Response is due by no Later Than 4/23/03</i>		
01/23/2003	Case Received and Pending	Status Changed	
01/23/2003	Motion for Appointment of Counsel Motion Status: Received, Pending Action <i>Comment: Requested in Letter Dated January 20, 2003 (service Shown)</i>	Filed	CLARK, SUZAN L.
01/23/2003	Letter <i>Comment: The Prp is Stayed Pending a Decision in in re Prp of Andress, #71170-4 When the stay is Lifted the Prp and the motion for Appointment of Counsel Will be Considered. filing fee is Waived</i>	Sent by Court	MERRITT, C. JERRY
01/23/2003	Personal Restraint Petition	Filed	CLARK, SUZAN L.

Events for Case # 734518

Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00224 JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring	Filed	MADSEN, BARBARA

	<p>JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring</p>		
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	<p>Set on a calendar</p> <p><i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i></p>	Status Changed	
05/14/2003	<p>Other Decision</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i></p>	Filed	CROOKS, GEOFFREY
05/14/2003	Ready	Status Changed	
05/14/2003	<p>Decision Consolidating Appeal</p> <p><i>Comment: Appeal 734518 consolidated to 735042</i></p>		CROOKS, GEOFFREY
04/25/2003	<p>Reply to Response</p> <p><i>Comment: Reply brief of Petitioner Aljeron Pleasant (service Shown)</i></p>	Filed	Pleasant, Aljeron
04/23/2003	<p>Response to Personal Restraint Petition</p> <p><i>Comment: *due date Should be Changed to One Week after Decision on motion to Consolidate</i></p>		SUMMERS, ANN MARIE
04/22/2003		Filed	

	<p>Motion to Extend Time to File</p> <p>Motion Status: Received, Pending Action <i>Comment: Motion to Extend date for filing Respondent's Briefs (service Shown)</i></p>		WHISMAN, JAMES MORRISSEY
04/22/2003	<p>Decision on Motions</p> <p><i>Comment: Motion granted</i></p>	Filed	CARPENTER, RONALD R
04/18/2003	<p>Motion for Consolidation</p> <p>Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues, to Appoint Counsel, and to set a Briefing Schedule (service Shown)</i></p>	Filed	WHISMAN, JAMES MORRISSEY
03/20/2003	<p>Letter</p> <p><i>Comment: The stay is Lifted due to the Final order in State V. Address. a Response is due by no Later Than 4/23/03</i></p>	Sent by Court	CARPENTER, RONALD R
01/09/2003	<p>Motion for Stay</p> <p>Motion Status: Received, Pending Action <i>Comment: Motion for stay Pending Resolution of motion for Reconsideration of State V. Address (service Shown)</i></p>	Filed	SUMMERS, ANN MARIE
01/09/2003	<p>Decision on Motions</p> <p><i>Comment: Motion granted</i></p>	Filed	CARPENTER, RONALD R
01/09/2003	<p>Notice of Appearance</p> <p><i>Comment: (service Shown)</i></p>	Filed	SUMMERS, ANN MARIE
01/02/2003	<p>Letter</p> <p><i>Comment: We Served a Copy of Prp on Respondent. Any Response to the Prp due 30 Days after Receipt of the Prp. Any Reply due 30 Days after Receipt of the Response.</i></p>	Sent by Court	
01/02/2003	<p>Motion to file W/o Prepayment of Fil Fee</p> <p>Motion Status: Received, Pending Action</p>	Filed	Pleasant, Aljeron

01/02/2003	Decision on Motions <i>Comment: Prepayment of the filing fee is Waived.</i>	Filed	CARPENTER, RONALD R
01/02/2003	Personal Restraint Petition	Filed	
01/02/2003	Case Received and Pending	Status Changed	
Events for Case # 733911			
Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00226 JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring	Filed	MADSEN, BARBARA
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	Set on a calendar <i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE</i>	Status Changed	

	LC #802		
05/14/2003	Ready	Status Changed	
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733911 consolidated to 735042</i>		CROOKS, GEOFFREY
05/14/2003	Decision on Motions <i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i>	Filed	CROOKS, GEOFFREY
05/14/2003	Decision on Motions <i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i>	Filed	CROOKS, GEOFFREY
05/02/2003	Motion to Extend Time to File Motion Status: Received, Pending Action <i>Comment: Motion to Extend date for filing Respondent's brief on One Week after Decision on motion to Consolidate</i>	Filed	WHISMAN, JAMES MORRISSEY

05/02/2003	Decision on Motions <i>Comment: "motion Granted."</i>	Filed	MERRITT, C. JERRY
04/25/2003	Reply to Response <i>Comment: Reply to Petitioner Twyman's Objection to motion to link and Consolidate (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
04/22/2003	Answer to motion <i>Comment: Petitioner's Response to State's motion to Consolidate and Reply to State's Response to Appoint Counsel (service Shown)</i>	Filed	ELLIS, JEFFREY ERWIN
04/22/2003	Motion to Extend Time to File Motion Status: Received, Pending Action <i>Comment: Motion to Extend date for filing Respondent's Briefs (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
04/22/2003	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
04/18/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues, to Appoint Counsel, and to set a Briefing Schedule (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
03/28/2003	Motion for Appointment of Counsel Motion Status: Received, Pending Action <i>Comment: Motion to Appoint Counsel (service Shown)</i>	Filed	ELLIS, JEFFREY ERWIN
03/28/2003	Letter <i>Comment: Acknowledging Receipt of motion to Appoint Counsel. Any Answer is due by no Later Than 4/23/03</i>	Sent by Court	CARPENTER, RONALD R
03/20/2003	Letter <i>Comment: The stay is Lifted due to the Final order in State V. Andress. a Response is due by no Later Than 4/23/03</i>	Sent by Court	CARPENTER, RONALD R

01/09/2003	Notice of Appearance <i>Comment: (service Shown)</i>	Filed	SUMMERS, ANN MARIE
01/09/2003	Motion for Stay Motion Status: Received, Pending Action <i>Comment: Motion for stay Pending Resolution of motion for Reconsideration of State V. Andress (service Shown)</i>	Filed	SUMMERS, ANN MARIE
01/09/2003	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
12/31/2002	Motion for Appointment of Counsel Motion Status: Received, Pending Action <i>Comment: Motion to Proceed in Forma Pauperis and motion to Appoint Counsel (service Shown)</i>	Filed	ELLIS, JEFFREY ERWIN
12/31/2002	Motion to Extend Time to File Motion Status: Received, Pending Action <i>Comment: Motion to Proceed in Forma Paupers Part of motion to Appoint Counsel</i>	Filed	ELLIS, JEFFREY ERWIN
12/31/2002	Decision on Motions <i>Comment: Prepayment of filing fee Waived</i>	Filed	CARPENTER, RONALD R
12/31/2002	Letter <i>Comment: Acknowledging Receipt of Motions. a Response is due by no Later Than 2/4/03. a Reply is due by no Later Than 03/13/03 a Copy of Both Motions is Provided to the Respondent</i>	Sent by Court	CARPENTER, RONALD R
12/31/2002	Personal Restraint Petition	Filed	ELLIS, JEFFREY ERWIN
12/31/2002	Case Received and Pending	Status Changed	
Events for Case # 733791			
Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004		Filed	

	Certificate of Finality <i>Comment: 120/74</i>		MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00227 JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring	Filed	MADSEN, BARBARA
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	Set on a calendar <i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i>	Status Changed	
05/14/2003	Other Decision <i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately</i>	Filed	CROOKS, GEOFFREY

	<i>filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i>		
05/14/2003	Ready	Status Changed	
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733791 consolidated to 735042</i>		CROOKS, GEOFFREY
04/25/2003	Reply to Response <i>Comment: Reply brief of Petitioner Jovia Martin (service Shown)</i>	Filed	Martin, Jovia D.
04/23/2003	Response to Personal Restraint Petition <i>Comment: *due date Should be Changed to One Week after Decision on motion to Consolidate</i>		
04/22/2003	Motion to Extend Time to File Motion Status: Received, Pending Action <i>Comment: Motion to Extend date for filing Respondent's Briefs (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
04/22/2003	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
04/18/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues, to Appoint Counsel, and to set a Briefing Schedule (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
03/20/2003	Letter <i>Comment: The stay is Lifted due to the Final order in State V. Andress. a Response is due by no Later Than 4/23/03</i>	Sent by Court	CARPENTER, RONALD R
12/19/2002	Notice of Appearance <i>Comment: (service Shown)</i>	Filed	SUMMERS, ANN MARIE
12/19/2002		Filed	

	Motion for Stay Motion Status: Received, Pending Action <i>Comment: Motion for stay Pending Resolution of motion for Reconsideration of State V. Andress (service Shown)</i>		SUMMERS, ANN MARIE
12/19/2002	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
12/13/2002	Letter <i>Comment: Acknowledging Receipt of Prp. a Response is due by no Later Than 01/16/03. a Copy of the Petition is Provided to the Respondent</i>	Sent by Court	CARPENTER, RONALD R
12/13/2002	Motion to file W/o Prepayment of Fil Fee Motion Status: Received, Pending Action	Filed	Martin, Jovia D.
12/13/2002	Decision on Motions <i>Comment: Prepayment of filing fee Waived</i>	Filed	CARPENTER, RONALD R
12/13/2002	Personal Restraint Petition	Filed	Martin, Jovia D.
12/13/2002	Case Received and Pending	Status Changed	

Events for Case # 733732

Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00228 JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Alexander Gerry L	Filed	MADSEN, BARBARA

	<p>ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring</p>		
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	<p>Set on a calendar</p> <p><i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i></p>	Status Changed	
10/27/2003	<p>Decision on Motions</p> <p><i>Comment: Motion granted at the direction of the assignment justice</i></p>	Filed	CARPENTER, RONALD R
10/23/2003	<p>Motion - Other</p> <p>Motion Status: Decision filed <i>Comment: Joint Motion to Lift Stay</i></p>	Filed	SHERMAN, STEVEN CURTIS
05/22/2003	<p>Reply to Response</p> <p><i>Comment: Petitioner's Reply brief (service Shown)</i></p>	Filed	Wiggins, Robert Chong
05/19/2003	<p>Notice of Appearance</p> <p><i>Comment: (service Shown)</i></p>	Filed	IARIA, MICHAEL PAUL
05/14/2003	<p>Other Decision</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately</i></p>	Filed	CROOKS, GEOFFREY

	<i>filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i>		
05/14/2003	Ready	Status Changed	
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733732 consolidated to 735042</i>		CROOKS, GEOFFREY
05/02/2003	Affidavit of Compliance <i>Comment: Certificate of Mailing</i>	Filed	
05/02/2003	Response to Personal Restraint Petition <i>Comment: Response to Personal Restraint Petition</i>	Filed	SHERMAN, STEVEN CURTIS
04/28/2003	Motion - Other Motion Status: No Action Necessary <i>Comment: Motion to strike Respondent's motion to Link/consolidate Wiggins' Issue to Other Felony Murder Issues and Compel Respondent to Respond to Wiggins' Prp</i>	Filed	Wiggins, Robert Chong
04/23/2003	Motion to Extend Time to File Motion Status: Received, Pending Action <i>Comment: State's motion for Additional time to file Response (service Shown)</i>	Filed	SHERMAN, STEVEN CURTIS
04/23/2003	Decision on Motions <i>Comment: Motion Granted; the Respondent Shall Serve and file a Response by not Later Than 5/2/03</i>	Filed	CARPENTER, RONALD R
04/17/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues (service Shown)</i>	Filed	SHERMAN, STEVEN CURTIS
03/20/2003	Letter <i>Comment: The stay is Lifted due to the Final order in State V. Address. a</i>	Sent by Court	CARPENTER, RONALD R

	<i>Response is due by no Later Than 4/23/03</i>		
12/19/2002	Stayed	Status Changed	
12/19/2002	Motion for Stay Motion Status: Received, Pending Action <i>Comment: Motion to stay Proceedings (service Shown)</i>	Filed	SHERMAN, STEVEN CURTIS
12/19/2002	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
12/19/2002	Notice of Appearance <i>Comment: (service Shown)</i>	Filed	SHERMAN, STEVEN CURTIS
12/11/2002	Letter <i>Comment: Acknowledging Receipt of Prp. a Response is due by no Later Than 1/16/03</i>	Sent by Court	CARPENTER, RONALD R
12/11/2002	Motion to file W/o Prepayment of Fil Fee Motion Status: Received, Pending Action	Filed	Wiggins, Robert Chong
12/11/2002	Decision on Motions <i>Comment: Prepayment of filing fee Waived</i>	Filed	CARPENTER, RONALD R
12/11/2002	Personal Restraint Petition	Filed	Wiggins, Robert Chong
12/11/2002	Case Received and Pending	Status Changed	
Events for Case # 733392			
Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY
12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority	Filed	MADSEN, BARBARA

	<p>Opinion Number: 2004-00223 JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring</p>		
10/28/2003	<p>Set on a calendar</p> <p><i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i></p>	Status Changed	
10/23/2003	<p>Heard and awaiting decision</p>	Status Changed	
05/14/2003	<p>Other Decision</p> <p><i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i></p>	Filed	CROOKS, GEOFFREY
05/14/2003	<p>Ready</p>	Status Changed	
05/14/2003	<p>Decision Consolidating Appeal</p> <p><i>Comment: Appeal 733392 consolidated to 735042</i></p>		CROOKS, GEOFFREY

04/25/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link (service Shown)</i>	Filed	KORSMO, KEVIN MICHAEL
04/25/2003	Response to Personal Restraint Petition <i>Comment: Response to Personal Restraint Petition (service Shown)</i>	Filed	KORSMO, KEVIN MICHAEL
03/20/2003	Letter <i>Comment: The stay is Lifted due to the Final order in State V. Andress. a Response is due by no Later Than 4/23/03</i>	Sent by Court	CARPENTER, RONALD R
12/19/2002	Motion for Stay Motion Status: Received, Pending Action <i>Comment: Motion for stay of Proceedings (service Shown)</i>	Filed	KORSMO, KEVIN MICHAEL
12/19/2002	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
12/09/2002	Case Received and Pending	Status Changed	
12/09/2002	Motion to file W/o Prepayment of Fil Fee Motion Status: Received, Pending Action	Filed	Haux, Nathaniel J
12/09/2002	Decision on Motions <i>Comment: Prepayment of filing fee Waived</i>	Filed	CARPENTER, RONALD R
12/09/2002	Letter <i>Comment: Acknowledging Receipt of Prp. a Response is due by no Later Than 1/13/03. a Copy of the Pleadings Provided to Respondent</i>	Sent by Court	CARPENTER, RONALD R
12/09/2002	Personal Restraint Petition	Filed	Haux, Nathaniel J
Events for Case # 733341			
Date	Item	Action	Participant
12/14/2004	Disposed <i>Comment: 120/74</i>	Status Changed	MERRITT, C. JERRY

12/14/2004	Certificate of Finality <i>Comment: 120/74</i>	Filed	MERRITT, C. JERRY
11/18/2004	Decision Filed	Status Changed	MADSEN, BARBARA
11/18/2004	Opinion Publishing Status: Published Publishing Decision: Vacated and Remanded Opinion Type: Majority Opinion Number: 2004-00225 JUDGE: Alexander Gerry L ROLE: Concurring JUDGE: Johnson Charles ROLE: Concurring JUDGE: Madsen Barbara ROLE: Authoring JUDGE: Sanders Richard B. ROLE: Concurring JUDGE: Ireland Faith ROLE: Concurring JUDGE: Bridge Bobbe J ROLE: Concurring JUDGE: Chambers Tom ROLE: Concurring JUDGE: Owens Susan ROLE: Concurring JUDGE: Fairhurst Mary ROLE: Concurring	Filed	MADSEN, BARBARA
10/28/2003	Heard and awaiting decision	Status Changed	
10/28/2003	Set on a calendar <i>Comment: ENTERED--SET FOR HEARING ON OCTOBER 28, 2003--EN BANC 2ND CASE LC #802</i>	Status Changed	
05/14/2003	Other Decision <i>Comment: The motion in Twyman for the Continued Appointment of Jeffrey Ellis is Granted. Counsel Shall be Appointed for the Remaining Pro SE Petitioners. for Those Pet'r Counsel is Directed to file a Single Brief on the Merits of the Petitions Unless, Upon Investigation, Counsel Concludes that Separate Briefing is Necessary. Counsel Should Move for Permission to file Separate Briefs Explaining the Necessity The State May file One brief for Each brief Ultimately</i>	Filed	CROOKS, GEOFFREY

	<i>filed by Pet'r Unless the State Obtains Permission to file Additional Briefs. Pet'r Briefs Are due by 7/1/03; the State's Briefs or Briefs Are due 8/11/03; Any Pet'r Replies Are due by 9/8/03. With this Briefing Schedule the Petitions Will be Heard During the Court's Fall Term</i>		
05/14/2003	Ready	Status Changed	
05/14/2003	Decision Consolidating Appeal <i>Comment: Appeal 733341 consolidated to 735042</i>		CROOKS, GEOFFREY
05/05/2003	Letter <i>Comment: Acknowledging Receipt of Pet'r motion for Accelerated Review. the motion Will be Determinated at the same time as the motion to Consolidate</i>	Sent by Court	MERRITT, C. JERRY
05/02/2003	Motion - Other Motion Status: No Action Necessary <i>Comment: Motion for Acclerated Review under Rap 18.12 (service Shown)</i>	Filed	Chavez, Audencio Acosta
04/23/2003	Response to Personal Restraint Petition <i>Comment: *due date Should be Changed to One Week after Decision on motion to Consolidate</i>		
04/22/2003	Motion to Extend Time to File Motion Status: Received, Pending Action <i>Comment: Motion to Extend date for filing Respondent's Briefs (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
04/22/2003	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
04/18/2003	Motion for Consolidation Motion Status: Received, Pending Action <i>Comment: Motion to link and Consolidate Cases Presenting Felony Murder Issues, to Appoint Counsel, and to set a Briefing Schedule (service Shown)</i>	Filed	WHISMAN, JAMES MORRISSEY
03/20/2003	Letter	Sent by Court	CARPENTER, RONALD R

	<i>Comment: The stay is Lifted due to the Final order in State V. Andress. a Response is due by no Later Than 4/23/03</i>		
12/12/2002	Notice of Appearance <i>Comment: (service Shown)</i>	Filed	SUMMERS, ANN MARIE
12/12/2002	Motion for Stay Motion Status: Received, Pending Action <i>Comment: Motion for stay Pending Resolution of motion for Reconsideration of State V. Andress (service Shown)</i>	Filed	
12/12/2002	Decision on Motions <i>Comment: Motion granted</i>	Filed	CARPENTER, RONALD R
12/04/2002	Motion to file W/o Prepayment of Fil Fee Motion Status: Received, Pending Action	Filed	Chavez, Audencio Acosta
12/04/2002	Decision on Motions <i>Comment: Prepayment of filing fee Waived</i>	Filed	CARPENTER, RONALD R
12/04/2002	Letter <i>Comment: Acknowledging Receipt of Prp. a Response is due by no Later Than 1/7/03. a Copy of the Prp is Provided to the Respondent</i>	Sent by Court	CARPENTER, RONALD R
12/04/2002	Personal Restraint Petition	Filed	Chavez, Audencio Acosta
12/04/2002	Case Received and Pending	Status Changed	

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