THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. DAROLD RAY STENSON, Petitioner	)	**NO. 82440-1** **ORDER** **Clallam County No.** 93-1-00039-1

FILED
SUPREME COURT
STATE OF WASHINGTON
2008 DEC -1 P 3:00
BY RONALD R. CARPENTER
CLERK

On November 26, 2008, counsel for the State filed a RAP 8.3(b) MOTION TO VACATE STAY OF EXECUTION AND MOTION FOR ACCELERATED REVIEW OF RAP 8.3(b) MOTION TO VACATE STAY OF EXECUTION. On December 1, 2008, counsel for the Petitioner filed a MOTION TO DISMISS REVIEW OR, IN THE ALTERNATIVE, TO GRANT LEAVE PURSUANT TO RAP 7.2(e) TO TRIAL JUDGE TO FORMALLY ENTER ORDER. The State and Petitioner have each filed a response to these separate motions. The Court considered both the motions. The Court (Justice Owens recused and Judge Teresa Kulik sat as a justice pro tem) voted in favor of the following result:

Now, therefore, it is hereby

ORDERED:

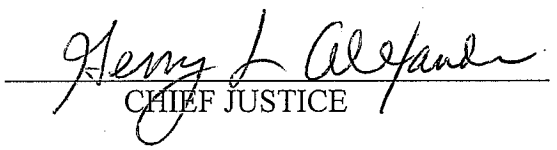
The Court, by unanimous vote, grants the State's motion for accelerated review, but by majority vote, denies the State's motion to vacate the stay of execution, without prejudice to the State to renew before the trial court its motion to vacate the stay of execution following the passage of 90 days from the date of this order.

547/46

The Court unanimously grants Stenson's motion to dismiss his notice of appeal that was filed on November 21, 2008, which leaves the trial court with authority to formally enter a subsequent order.

DATED at Olympia, Washington this 1ST day of December 2008.

For the Court



CHIEF JUSTICE