

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
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SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

vs.

JESSUP BERNARD TILLMON,

Appellant.

NO. 89864-2

MOTION TO ALLOW LATE
FILING OF PETITION FOR
REVIEW

1. *Identity of Moving Party.* Jessup Bernard Tillmon, Appellant, seeks the relief requested in part 2 of this motion.

2. *Statement of Relief Sought.* Appellant requests that this court allow the late filing of the Petition for Review in this case by expanding time for filing that Petition.

3. *Facts Relevant to Motion.* By order entered December 20, 2013, Acting Chief Judge Johanson of Division II of the Court of Appeals denied Defendant's motion to modify a decision of a commissioner affirming the defendant's conviction. Because of an error in communication with staff, counsel did not learn that the court had entered the order denying the Motion to Modify until January 23, 2014. Thus counsel did not timely inform Appellant of the requirements for filing a Petition for Review. Upon learning of this error, counsel immediately prepared and filed a Petition for Review and a Motion with Division II requesting that the court hold the mandate, which had not yet been issued.

This court has now received the late filed Petition and has sent counsel a letter stating that

MOTION TO ALLOW LATE FILING
OF PETITION FOR REVIEW - 1

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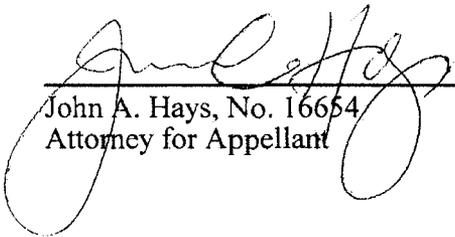
1 this court will hold the petition pending the filing of a motion for extension of time.

2 4. *Grounds for Relief Sought.* Under Washington Constitution, Article 1, § 22, a defendant
3 has the right to effective assistance of counsel, the right to appeal a conviction, and the right to notice
4 of the time requirements for filing a Petition for Review. Granting this motion and accepting the
5 Petition for Review for consideration in this case will assure appellant's right to effective assistance
6 and appellant's right to appeal as well alleviate the necessity of reviewing a post-conviction motion
7 for relief from judgment based upon counsel's failure to timely file the Petition for Review.

8 DATED this 7th day of February, 2014.

9 Respectfully submitted,

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