

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Mar 17, 2015, 1:27 pm
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SERVICE	John Michael Bale #845543 Coyote Ridge Corrections Center P.O. Box 769 Connell, WA 99326
	A copy of this document was served via U.S. Mail or the recognized system of interoffice communications, or, if an email address appears above, electronically. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED March 17, 2015, Port Orchard, WA <i>Elizabeth Allen</i> Original e-filed at the Supreme Court, Copy to counsel listed above.

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IN THE SUPREME COURT OF WASHINGTON

THE STATE OF WASHINGTON,)	No. 91083-9
)	
Respondent,)	STATE'S RESPONSE TO "MOTION
)	REQUESTING PERMISSION TO FILE
v.)	SECOND SUPPLEMENTAL BRIEF TO
)	DISCRETIONARY REVIEW"
JOHN MICHAEL BALE,)	
)	
Appellant.)	
)	

I. IDENTITY OF MOVING PARTY

The respondent, STATE OF WASHINGTON, asks this Court for the relief designated in Part II of this motion.

II. STATEMENT OF RELIEF SOUGHT

The State respectfully requests that the motion be denied.



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III. FACTS RELEVANT TO MOTION

On October 14, 2014, the Court of Appeals filed its direct appeal opinion affirming Bale’s assault convictions and reversing his possession of a stolen firearm conviction.

Bale filed an untimely petition for review two months later. After a motion by Bale, the Court granted an extension of time, and accepted his petition for review, which was filed on December 12, 2014. In that 14-page petition, Bale raised five issues for review.

On February 27, 2015, Bale sought to file a 10-page supplement to his petition for review. *Cf.* RAP 13.4(f) (limiting petition for review to 20 pages). The court’s decision on that motion is pending.

On March 13, 2015, Bale filed a motion to file a second supplement to his petition for review. In the proposed supplement he complains of actions taken by the Kitsap County Superior Court in February 2015.

IV. GROUNDS FOR RELIEF AND ARGUMENT

Although the State did not respond to Bale’s first motion to supplement, it feels that the time for Bale to continually expand his petition for review should come to an end. Over five months have passed since the Court of Appeals filed its opinion. Since this is five times the amount of time usually allowed for the preparation of a petition for review, the State would urge the Court disallow any further amendment of the petition for



1 review and submit the petition for decision.

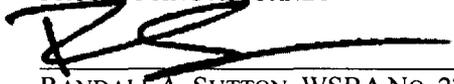
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As for the specifics of the present motion, it appears the second supplement relates to actions take by the trial court after the judgment was entered in the Court of Appeals. However, the present review is limited to the record in the Court of Appeals. RAP 13.7(a). Thus, the relevance of the second supplement to these proceedings is not apparent.

For the foregoing reasons, the State would respectfully request that the motion to supplement be denied.

DATED this 17th day of March, 2015.

TINA R. ROBINSON
PROSECUTING ATTORNEY



RANDALL A. SUTTON, WSBA NO. 27858
Deputy Prosecuting Attorney

