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FILED
DEC 17 2014
CLERK OF THE SUPREME COURT
STATE OF WASHINGTON
CR

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION III

STATE OF WASHINGTON,

NO. 31256-9-III

Plaintiff,

MOTION FOR EXTENSION
OF TIME TO FILE PETITION FOR
REVIEW

v.

MARCO PINDTER-BONILLA,

Defendant.

TO: The Clerk/Case Manager of the Court of Appeals, Division III
AND TO: The Kittitas County Prosecutor's Office

I. Identity of Moving Party

Appellant, by and through his attorney, Mitch Harrison, asks for the relief described in Paragraph 2.

II. Statement of Relief Sought

Appellant's counsel respectfully requests a 14 day extension of time to file the Petition for Review in this matter.

MOTION FOR EXTENSION
OF TIME TO FILE PETITION FOR REVIEW - 1

Mitch Harrison
Attorney at Law
101 Warren Avenue North, Ste 2
Seattle, Washington 98109
Tel (206) 732-6555 ♦ Fax (888) 598-1715

1 III. Facts Relevant to Motion

2 Mr. Pindter-Bonilla was convicted of one count of unlawful possession of a controlled
3 substance and attempting to elude a police vehicle. He appealed, but Division III disagreed
4 and upheld his convictions. Mr. Pindter-Bonilla asked for reconsideration, but that was also
5 denied.

6 Mr. Pindter-Bonilla wishes to Petition for review. His family has recently hired the
7 undersigned counsel to do so. However, counsel has been in trial in King County, since last
8 week. That trial was continued due to defense counsel's illness, and resumed today. Counsel
9 expects this trial to be finished by Wednesday of this week. Once that happens, counsel will
10 have time to complete the Petition for Review and then file it with this court. To do this,
11 counsel asks for two additional weeks.

12 IV. Grounds for Relief Requested

13 Under RAP 18.8.(a) and 1.2(c), this Court has the authority to waive the provisions of
14 the rule of appellate procedure in order to serve the interests of justice. However, a Petitioner
15 must meet a higher burden when her appellate counsel fails to timely file a petition for review,
16 as happened here. That standard requires the Petitioner to show that the reasons for the
17 extensions are extraordinary and are necessary to prevent a gross miscarriage of justice. RAP
18 18.8(b).

19 This standard is met here. Allowing a brief extension of time is necessary to allow
20 counsel to draft a through petition for review on Mr. Pindter-Bonilla's behalf. Counsel was
21 only recently retained to file the Petition for Review, and circumstances outside of the control
22 of all parties (including counsel becoming ill), prevented him from finishing the petition within

23 MOTION FOR EXTENSION
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1 the standard 30-day time limit. Allowing a brief extension of time certainly would prevent a
 2 gross miscarriage of justice by simply allowing the Supreme Court to consider the merits of the
 3 appellant's case.

4
 5 DATED December 8, 2014,

6
 7 s/Mitch Harrison
 8 Mitch Harrison, ESQ., WSBA# 43040
 9 Counsel for the Appellant

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 23 MOTION FOR EXTENSION
 OF TIME TO FILE PETITION FOR REVIEW - 3

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PROOF OF SERVICE

I, Mitch Harrison, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am employed by the law firm of Harrison Law.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On today's date, I served and filed the attached document in the manner noted:

Kittatas County Prosecutor	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Email: <input type="checkbox"/> Fax:
Appellant Bonifacio Alcantar-Maldonado DOC#361475 Coyote Ridge Corrections Ctr. 1301 N. Ephrata Ave. PO Box 769 Connell, WA 99326.	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Email: <input type="checkbox"/> Fax:
Court of Appeals, Div. III 500 N. Cedar St. Spokane, WA 99201	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Email: <input checked="" type="checkbox"/> Fax: 509-456-4288

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THE FOREGOING IS TRUE AND CORRECT

DATED December 8, 2014

s/Mitch Harrison

Mitch Harrison, ESQ., WSBA# 43040
Counsel for the Appellant

MOTION FOR EXTENSION
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FAX

Date:	12/08/2014
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Pages including cover sheet:	5
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NOTE:	
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Marco Findter Bonilla