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SUPREME COURT
STATE OF WASHINGTON
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 91104-5
Respondent,)	
)	
v.)	MOTION TO FILE
)	AMENDED
MANUEL JUAREZ-GARCIA,)	PETITION FOR REVIEW
Appellant.)	
)	
)	

A. IDENTITY OF MOVING PARTY

The appellant, Manuel Juarez-Garcia, moves this Court for the relief designated below.

B. STATEMENT OF RELIEF SOUGHT

So that the ends of justice may be served, and pursuant to RAP 13.4 and 18.8, Mr. Juarez-Garcia requests this Court grant permission to file an amended petition for review raising the additional issue that the Court of Appeals opinion conflicts with this Court's recent holding in State v. Friedlund, ___ Wn.2d ___, ___ 888 P.2d ___, 2015 WL 196506 (filed 1/15/15).

Motion to File Amended
Petition for Review

Washington Appellate Project
1511 Third Avenue, Suite 701
Seattle, WA 98101
(206) 587-2711



C. GROUNDINGS FOR RELIEF

1. The trial court imposed an exceptional sentence upon Mr. Juarez-Garcia of 40 years to life in prison. When imposing this sentence, it did not enter written findings of fact or conclusions of law.

2. Mr. Juarez-Garcia properly raised this issue in his opening brief, and the Court of Appeals found the trial court's error harmless and not a basis for relief on appeal.

3. On December 10, 2014, Mr. Juarez-Garcia filed a petition for review, but did not raise the trial court's failure to enter written findings when imposing the exceptional sentence.

4. On January 15, 2015, this Court issued its opinion in State v. Friedlund, __ Wn.2d __, __ P.3d __, 2015 WL 196506, holding that a case must be remanded for written findings when a trial court imposes an exceptional sentence without entering such findings.

5. Given this newly decided law, Mr. Juarez-Garcia respectfully requests permission to file an amended petition for review adding this issue. The amended petition is being filed simultaneously with this motion for purpose of the Court's convenience and in the interest of judicial economy. The case has not yet been set for consideration.

D. ARGUMENT

The right to appeal includes the right to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830, 836, 83 L.Ed.2d 821 (1985); State v. Rolax, 104 Wn.2d 129, 135, 702 P.2d 1185 (1985). In order to provide effective representation on appeal, counsel seeks leave to file the amended petition for review.

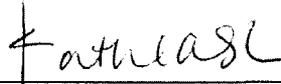
This request is not made for purposes of delay or tactical advantage, but only to ensure the issue on appeal is properly considered by the Court and that Mr. Juarez-Garcia receives effective assistance of counsel. The amended petition is being filed simultaneously with this motion, and has been prepared as quickly as counsel was able, so that no significant delay ensues.

E. CONCLUSION

For the foregoing reasons, Mr. Juarez-Garcia respectfully requests this Court grant his motion to file an amended petition for review.

DATED this 21st day of January, 2015.

Respectfully submitted:



KATHLEEN A. SHEA (WSBA 42634)
Washington Appellate Project (91052)
Attorneys for Appellant

DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 91104-5**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

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Island County Prosecutor's Office
- petitioner
- Attorney for other party



MARIA ANA ARRANZA RILEY, Legal Assistant
Washington Appellate Project

Date: January 21, 2015

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To the Clerk of the Court:

Please accept the attached document for filing in the above-subject case:

Motion to File Amended Petition for Review

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