

C. Facts Relevant to Motion

The Court of Appeals decision in this case was issued on October 17, 2016. The State filed its Petition for Review yesterday, November 17th and was informed today that the petition was filed one day late.

Counsel for Respondent initially was planning on filing a Motion for Reconsideration with the Court of Appeals. As such, this matter was originally placed on the Appellate Division's deadline calendar for Monday, November 7th, per RAP 12.4(b) and RAP 18.6(a) (since the 20 days ended on Sunday, Nov. 6th, the due date became Monday, November 7th). Sometime during the week of October 31st, Counsel consulted further with trial counsel and jointly decided to file a Petition for Review with this Court instead. Unfortunately, instead of recounting the 30 day deadline under RAP 13.4(a), counsel and staff erroneously added ten days onto the initial deadline of November 7th.

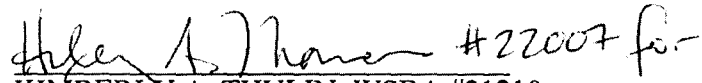
Counsel and staff recognize the inattentiveness of this miscalculation and respectfully and humbly request this Court grant the one day extension to file the State's Petition for Review.

D. Grounds for Relief

RAP 18.8(a) allows the Court to alter the provisions of RAP 10.2(c) and enlarge the time within which an act must be done in order to serve the ends of justice. Based on these rules Respondent/Petitioner asks this Court to grant a one day extension for filing of the State's Petition for Review.

DATED this 18th of November, 2016.

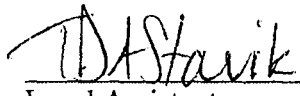
Respectfully submitted,

 #22007 for
KIMBERLY A. THULIN, WSBA #21210
Admin. No. 91075
Appellate Deputy Prosecutor
Attorney for Respondent

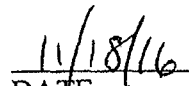
CERTIFICATE

I certify that on this date I placed in the mail a properly stamped and addressed envelope, or otherwise caused to be delivered, a copy of the document to which this Certificate is attached to this Court and Appellant's counsel, addressed as follows:

Nancy P. Collins
Washington Appellate Project
1511 3rd Ave., Suite 701
Seattle, WA 98101
nancy@washapp.org
wapofficemail@washapp.org



Legal Assistant



DATE