FILED
SUPREME COURT
STATE OF WASHINGTON
6/1/2018 4:26 PM
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

No. 95831-9

Respondent,

COA No. 75828-4-I

APPELLANT DAVID

VS.

EARL R. ROGERS, JR.,

TO STATE'S MOTION TO

Appellant.

ACCELERATE TRIEWEILER'S PETITION

TRIEWEILER'S RESPONSE

FOR REVIEW

1. IDENTITY OF MOVING PARTY

Appellant David A. Trieweiler ("Trieweiler") has filed a petition for review of the Court of Appeals opinion, dated February 20, 2018. Trierweiler files this response to the motion to accelerate defendant's petition for review, filed by the State of Washington, Respondent ("State").

2. STATEMENT OF RELIEF SOUGHT

Trieweiler requests that this Court deny the State's motion to accelerate in order to ensure sufficient time to address the issues identified in Trieweiler's petition for review.

3. FACTS RELEVANT TO THE MOTION

The underlying facts will not be repeated here. See Trieweiler's

APPELLANT TRIEWEILER'S RESPONSE TO STATE'S MOTION - 1 -TO ACCELERATE Petition for Review (redacted and unredacted).

4. GROUNDS FOR RELIEF AND ARGUMENT

The State, understandably, wishes to resolve this dispute as soon as possible, to ensure that it has the option to charge Earl Rogers ("Rogers") within the applicable statutory limitation period. However, this Court should not grant the State's motion solely on the basis of expediency. It is critical that this Court have adequate time to address the important issues raised in Trieweiler's petition, as they relate to the scope of the attorney-client privilege previously delineated by this Court. Should accelerated review risk jeopardizing the ability of this Court to sufficiently consider and resolve these issues, the State's motion should be denied. Ultimately, the State's interest in bringing charges within the statutory limitation period must yield to Rogers' right to attorney-client privilege.

DATED this 1st day of June, 2018.

BETTS, PATTERSON & MINES, P.S.

 $By_{\underline{}}$

Lori Worthington Hurl, WSBA #40647 Mark W. Tyson, WSBA #47185 Betts, Patterson & Mines, P.S. 701 Pike Street, Suite 1400

Seattle, WA 98101-3927

Attorneys for David A. Trieweiler

APPELLANT TRIEWEILER'S RESPONSE TO STATE'S MOTION - 2 -TO ACCELERATE

CERTIFICATE OF SERVICE

- I, Karen L. Pritchard, declare as follows:
- 1) I am a citizen of the United States and a resident of the State of Washington. I am over the age of 18 years and not a party to the within entitled cause. I am employed by the law firm of Betts, Patterson & Mines, P.S., whose address is One Convention Place, Suite 1400, 701 Pike Street, Seattle, Washington 98101.
- 2) By the end of the business day on June 1, 2018, I caused to be served upon counsel of record at the addresses and in the manner described below, the following documents:
 - Appellant David Trieweiler's Response to State's Motion to Accelerate Trieweiler's Petition for Review; and
 - Certificate of Service.

Counsel for Defendant Earl R. Rogers, Jr. ☐ U.S. Mail Daniel K. Felker ☐ Hand Delivery Law Office of Daniel K. Felker ☐ Facsimile 860 SW 143rd St ☐ Overnight Burien, WA 98166-1515 X E-mail confer@danielfelker.com Counsel for Respondent State of Washington ☐ U.S. Mail Ann M. Summers ☐ Hand Delivery Susan I. Harrison ☐ Facsimile King County Prosecuting Attorney's Office ☐ Overnight 516 3rd Ave Ste W554 X E-mail Seattle, WA 98104-2362 ann.summers@kingcounty.gov susan.harrison@kingcounty.gov

APPELLANT TRIEWEILER'S RESPONSE TO STATE'S MOTION - 3 -TO ACCELERATE

| Counsel for Defendant Earl R. Rogers, | Jr. U.S. Mail |
|---|--|
| Gregory C. Link | \Box Hand Delivery |
| Washington Appellate Project 1511 Third Avenue, Suite 701 Seattle, WA 98101-3647 greg@washapp.org | ☐ Facsimile ☐ Overnight |
| | X E-mail |
| I declare under penalty of perju | ary under the laws of the State of |
| Washington that the foregoing is true an | d correct. |
| DATED this 1 st day of June, 201 | 8. |
| | / Karen L. Pritchard ren L. Pritchard |

APPELLANT TRIEWEILER'S RESPONSE TO STATE'S MOTION - 4 - TO ACCELERATE

BETTS PATTERSON & MINES

June 01, 2018 - 4:26 PM

Transmittal Information

Filed with Court: Supreme Court

Appellate Court Case Number: 95831-9

Appellate Court Case Title: State of Washington v. Earl R. Rogers, Jr., et al.

Superior Court Case Number: 15-1-06546-3

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Comments:

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