

FILED
January 18, 2012
Court of Appeals
Division III
State of Washington

NO. 30104-4-III
COURT OF APPEALS
STATE OF WASHINGTON
DIVISION III

STATE OF WASHINGTON,

Plaintiff/Respondent,

V.

WILLIAM A. PAGE,

Defendant/Appellant.

REPLY BRIEF

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

TABLE OF CASES	ii
RULES AND REGULATIONS	ii
ARGUMENT	1

TABLE OF AUTHORITIES

TABLE OF CASES

State v. Yon, 159 Wn. App. 195 (2010)1

RULES AND REGULATIONS

RAP 10.3(a)(6)..... 1

ARGUMENT

The State argues that an abuse of discretion standard should apply to Mr. Page's case as opposed to a *de novo* review.

The State ignores Mr. Page's due process argument.

The State does not cite any authority for its position that "bail forfeitures are not available after the State has obtained a conviction." This portion of the State's argument should be ignored. *See*: RAP 10.3(a)(6).

The State's re-argument of the factual predicates has no bearing on Mr. Page's due process argument.

Additionally, the State's contention that Mr. Page could have appealed a bail forfeiture on the original charges, after the decision in *State v. Yon*, 159 Wn. App. 195 (2010), is disingenuous.

The *Yon* decision was issued on December 28, 2010. The original information against Mr. Page was filed on December 11, 2008. If he had bail forfeited at that time, he would not be entitled to appeal after the *Yon* decision was entered.

The State completely ignores the due process deprivation. The State cites no case to counter Mr. Page's legal arguments.

Mr. Page otherwise relies upon his original brief and respectfully requests that he be allowed to pursue a bail forfeiture.

DATED this 18th day of January, 2012

Respectfully submitted,

s/ Dennis W. Morgan
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NO. 30104-4-III

COURT OF APPEALS

DIVISION III

STATE OF WASHINGTON

STATE OF WASHINGTON,)
) FERRY COUNTY
 Plaintiff,) NO. 08 1 00047 8
 Respondent,)
) **CERTIFICATE OF SERVICE**
 v.)
)
 WILLIAM A. PAGE,)
)
 Defendant,)
 Appellant.)
)

I certify under penalty of perjury under the laws of the State of Washington that on this 18th day of January, 2012, I caused a true and correct copy of the *REPLY BRIEF* to be served on:

Court of Appeals, Division III
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E-FILE

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