

FILED  
November 24, 2014  
Court of Appeals  
Division III  
State of Washington  
No. 32406-1-III

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

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STATE OF WASHINGTON,

Respondent,

v.

JOSE MARTINEZ,

Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR WALLA WALLA COUNTY

The Honorable Judge M. Scott Wolfram

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APPELLANT'S REPLY BRIEF

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**A. REPLY TO STATE'S RESPONSE BRIEF**

Your Appellant has carefully reviewed the State's Response Brief, which was filed in in this case on November 7, 2014. The State's Response Brief appears substantially similar to the State's Motion on the Merits, previously filed in this case on September 3, 2014. Now, therefore, Mr. Martinez respectfully requests that this Court review and incorporate his response to the State's Motion on the Merits for purposes of this Reply, which was filed by Mr. Martinez on September 8, 2014. Based on the arguments in Mr. Martinez's opening brief and this reply (which hereby incorporates Mr. Martinez's response to the State's Motion on the Merits), the Appellant respectfully requests that this Court reverse and dismiss his conviction for Count I. The conviction was based on unlawfully obtained evidence; the trial court should have suppressed the evidence seized from Mr. Martinez's property pursuant to the search warrant.

Respectfully submitted this 24th day of November, 2014.

  
Jill S. Reuter, WSBA #38374

  
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Attorney for Appellant

COURT OF APPEALS  
DIVISION III  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON )  
Plaintiff/Respondent ) COA No. 32406-1-III  
vs. )  
JOSE MARTINEZ ) PROOF OF SERVICE  
Defendant/Appellant )  
\_\_\_\_\_ )

I, Kristina M. Nichols, assigned counsel for the Appellant herein, do hereby certify under penalty of perjury that on November 24, 2014, I mailed by U.S. Postal Service first class mail, postage prepaid, a true and correct copy of the attached Appellant's Reply Brief to:

Jose Martinez  
931 N. Opal Street  
Pasco, WA 99301

Having obtained prior permission, I also served Teresa Chen by e-mail at tchen@wapa-sep.wa.gov.

Dated this 24th day of November, 2014.

/s/ Kristina M. Nichols

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