

1
2 IN THE WASHINGTON STATE SUPREME COURT

3
4 IN RE THE PRP OF

No. 82951-9

5 JOSHUA DEAN SCOTT,

MOTION FOR RELEASE

6 Defendant.

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8 1. IDENTITY OF MOVING PARTY

9 Scott, by and through counsel, asks for the relief described in Paragraph 2. This motion
10 should be considered a the time of oral argument.

11 2. RELIEF REQUESTED

12 Pursuant to RAP 8.2(b), Scott asks this Court to order his immediate release if, after
13 argument, a majority of this Court votes to affirm the Court of Appeals.

14 3. GROUNDS FOR RELIEF AND ARGUMENT

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16 The Court of Appeals reversed the firearm enhancements in the case and remanded the
17 matter for resentencing limited to deadly weapons enhancements for all counts. Thus, the total
18 available sentence under that opinion would be 57 months (for the substantive offenses)
19 +24+24+12 (for the enhancements) or 117 months. The docket reflects that Mr. Scott was
20 arrested and held beginning September 18, 2000. Thus as of last month, he will have served 120
21 months in prison.

22 Thus, if this Court agrees with the Court of Appeals and Scott prevails - he has already
23 served more that the proper sentence in this matter. Under those circumstances he should not be
24 required to remain in prison any longer. He should be released to the community
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1 custody/supervision portion of the sentence pending a resentencing in Pierce County Superior
2 Court.

3 Respectfully submitted this 25th day of October, 2010.

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5 Suzanne Lee Elliott
6 WSBA 12634

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