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SUPREME COURT
STATE OF WASHINGTON
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NO. 90068-0

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

STATE OF WASHINGTON

Petitioner

v.

RYAN JAMES PEELER,

Respondent.

PETITIONER'S ANSWER TO AMICUS BRIEFS

SKAGIT COUNTY PROSECUTING ATTORNEY
RICHARD A. WEYRICH, PROSECUTOR

By: ERIK PEDERSEN, WSBA#20015
Senior Deputy Prosecuting Attorney
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 ORIGINAL

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I. ANSWER TO WACDL AMICUS

The Brief of Amicus Washington Association of Criminal Defense Lawyers (WACDL Amicus) fails to provide any meaningful reference to authority due to the inability to obtain counsel to brief the matter. However, there are representations in the brief which the State as Petitioner believes merits answering.

The WACDL Amicus indicates that “strict compliance with the Intrastate Detainer Act enhances the timely and fair resolution of cases for both parties and the public.” WACDL Amicus at page 1. The State would contend that such strict compliance would support the State’s position that Peeler’s demand was ineffective since he was not detained at the facility from which the notice was provided. Above all RCW 9.98.010 is a notice statute, so the prosecutor and trial court know where a defendant is being held as a prisoner pursuant to a sentence so he can be brought to address the charges. If a defendant is no longer in that position as a prisoner, he does not have the remedy available that such notice would trigger. RCW 9.98.010 (statute at the very outset provides it applies when a person “has entered a term of imprisonment”).

The WACL Amicus goes on to state that the purpose of the Act is to “encourage the expeditious and orderly disposition of pending charges

despite incarceration of the defendant in DOC.” WACDL Amicus at page 1. The State would contend that having a defendant transported between multiple counties to be dealt with multiple pretrial case settings and trial dates would not result in an orderly disposition of pending charges. Orderly disposition occurred in the present case with the cases disposed of sequentially, in accord with the concepts of the present time for trial rule. CrR 3.3(e)(2). It would also allow the judges of the subsequent cases to be aware of completed sentencing and impose a sentence taking into account the completed cases. Here, the trial court was able to do so and despite the State’s request otherwise, provided for concurrent time between the prior sentences and the sentence on the Assault in the Second Degree conviction in Skagit County. CP 270-2, 9/28/12 RP 37, 50-2, 59.

Finally, the WACL Amicus indicates that the interpretation the State proposes “would insert unnecessary ambiguity in the processing of the demands for adjudication of the pending charge based solely upon the location of the defendant at the time the local prosecutor receives the demand.” WACDL Amicus at page 2.

This Court in *State v. Morris*, 126 Wn.2d 306, 892 P.2d 734 (1995) has already adopted the date of the receipt of the written demand for

disposition of untried indictment by the prosecutor as the start date for the application of the one-hundred and twenty period in the statute.

Accordingly, we hold that actual receipt by the prosecuting attorney and superior court of the county in which the indictment, information, or complaint is pending commences the 120-day period.

State v. Morris, 126 Wn.2d 306, 313, 892 P.2d 734 (1995).

Using that date to also establish the defendant's availability for transport from the institution would provide consistency in application of the statute.

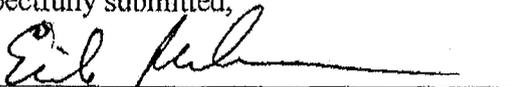
II. ANSWER TO WAPA AMICUS

The Brief of Amicus Curiae Washington Association of Prosecuting Attorneys (WAPA Amicus) brief provides a significant analysis of cases from other jurisdictions interpreting intrastate detainer statutes as well as the analog interstate detainer act. The Petitioner has no reason to provide an answer contradicting the assertions in the WAPA Amicus.

DATED this 9th day of January, 2015.

Respectfully submitted,

By:


ERIK PEDERSEN, WSBA#20015
Senior Deputy Prosecuting Attorney
Attorney for Petitioner, State of Washington
Office Identification #91059

DECLARATION OF DELIVERY

I, Karen Wallace, declare as follows:

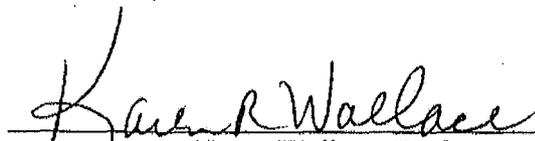
I sent for delivery by; United States Postal Service; ABC Legal Messenger Service, a true and correct copy of the document to which this declaration is attached, to

Nancy Collins, Washington Appellate Project, 1511 3rd Ave STE 701, Seattle, WA 98101-3635.

Suzanne Lee Elliott, Co-Chair Amicus Committee, Washington Association of Criminal Defense Lawyers, 705 Second Avenue, Suite 1300, Seattle, WA 98104

Pamela Beth Loginsky, Staff Attorney, Washington Association of Prosecuting Attorneys, 206 10th Ave SE, Olympia, WA 98501

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Mount Vernon, Washington this 9th day of January, 2015.



Karen Wallace, Declarant

OFFICE RECEPTIONIST, CLERK

To: KarenWallace
Cc: ErikPedersen; Bausch, Lisa
Subject: RE: State v. Ryan Peeler No. 90068-0 Petitioner's Answer

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Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: KarenWallace [mailto:karenw@co.skagit.wa.us]
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Cc: ErikPedersen; Bausch, Lisa
Subject: State v. Ryan Peeler No. 90068-0 Petitioner's Answer

Good morning. Attached is Petitioner's Answer to Amicus Briefs.