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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

RYAN JAMES PEELER,

Respondent.

NO. 90068-0

RESPONSE TO THE
MOTION TO STRIKE
WAPA AMICUS BRIEF

I. IDENTITY OF THE RESPONDING PARTY

Amicus curiae, Washington Association of Prosecuting Attorneys (WAPA), by and through its attorney, Pamela B. Loginsky, ask this Court for the relief designated in Part II of this motion.

II. RELIEF REQUESTED

WAPA respectfully requests that this Court deny Ryan James Peeler's motion to strike WAPA's Court requested amicus curiae brief.

III. ARGUMENT

This case deals with a matter of first impression in Washington. Although both counsel for the State and counsel for Mr. Peeler submitted



ORIGINAL

thoughtful and well-written briefs, this Court requested amicus curiae briefs from both WAPA and from the Washington Association of Criminal Defense Lawyers.

In an effort to assist the Court, WAPA provided the Court with the history of the Washington intrastate detainer statute and how other jurisdictions deal with similar fact patterns. The tolling solution that other jurisdictions apply was before the Court of Appeals as indicated in footnote 4 of the slip opinion:

Following oral argument in this case, the State filed a RAP 10.8 statement of additional authorities citing *State v. Alexis*, 91 Wn.2d 492, 588 P.2d 1171 (1979), *State v. Slattum*, 173 Wn. App. 640, 295 P.3d 788 (2013), *State v. Peterson*, 137 Idaho 255, 47 P.3d 378 (Ct. App. 2002), *State v. Foster*, 107 Or. App. 481, 812 P.2d 440 (1991), and *State v. Julian*, 244 Kan. 101, 765 P.2d 1104 (1988). These cases do not control.

State v. Peeler, COA No. 69368-9-I, ¶ 13 n. 4 (Feb. 24, 2014).

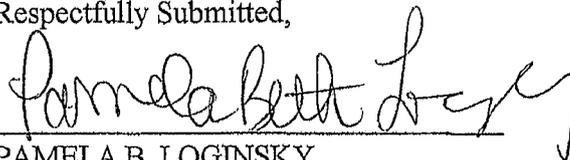
WAPA's amicus brief includes a citation to *Julian* at page 4. While WAPA's brief did not include *State v. Foster, supra*, in its string cite on pages 8-9, the State's characterization of the case in the State's Court of Appeal's statement of additional authorities clearly establishes that the inclusion would have been appropriate.

IV. CONCLUSION

The WAPA amicus brief merely expanded upon the legal arguments that were presented in the Court of Appeals. The motion to strike the Court

requested WAPA amicus brief should be denied.

Respectfully Submitted,



PAMELA B. LOGINSKY

WSBA NO. 18096

Pacific County Special Deputy Prosecuting Attorney

PROOF OF SERVICE

I, Pamela B. Loginsky, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein.

On January 14, 2015, I deposited in the mails of the United States of America, postage prepaid, an envelop containing a copy of the Brief of Amicus Curiae Washington Association of Prosecuting Attorneys addressed to:

Erik Pedersen
Sr. Deputy Prosecuting Attorney
Courthouse Annex
605 South Third St.
Mount Vernon, WA 98273

Nancy Collins
Washington Appellate Project
1511 Third Avenue, Ste 701
Seattle, WA 98101

Suzanne Elliott
Washington Association of
Criminal Defense Lawyers
705 2nd Ave., Suite 1300
Seattle, WA 98104-1797

On January 14, 2015, electronic copies of the Brief of Amicus Curiae Washington Association of Prosecuting Attorneys was sent via e-mail to

Nancy Collins at nancy@washapp.org

Suzanne Elliot at suzanne-elliott@msn.com

Erik Pedersen at erikp@co.skagit.wa.us

Signed under the penalty of perjury under the laws of the state of
Washington this 14th day of January, 2015, at Olympia, Washington.


PAMELA B. LOGINSKY, WSBA 18096

OFFICE RECEPTIONIST, CLERK

To: Pam Loginsky; skagitappea ls@co.skagit.wa.us; Erik Pedersen; suzanne~elliott@msn.com; nancy@washapp.org
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Supreme Court Clerk's Office

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From: Pam Loginsky [mailto:Pamloginsky@waprosecutors.org]
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Dear Clerk and Counsel,

Attached for filing is WAPA's response to Mr. Peeler's motion to strike the WAPA Amicus Brief.

Please let me know if you should encounter any difficulty in opening the document.

Sincerely,

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

Phone (360) 753-2175
Fax (360) 753-3943

E-mail pamloginsky@waprosecutors.org