

SUPREME COURT OF THE STATE OF WASHINGTON

Case #: 1036736

STATE OF WASHINGTON,)	No. _____
Respondent,)	COA No 58161-2-II
)	(cons. w/ 58165-5-II)
)	
v.)	MOTION
)	TO ACCEPT
SIMONE NELSON,)	PETITION FOR
Petitioner.)	REVIEW AS
)	TIMELY

I. IDENTITY OF MOVING PARTY AND RELIEF SOUGHT.

Petitioner Simone Nelson asks this Court to accept the petition for review in this matter as timely filed under RAP 13.4(a). In the alternative, Ms. Nelson requests this Court enlarge the time to file the petition pursuant to RAP 18.8(c).

II. GROUND FOR RELIEF AND ARGUMENT.

On October 29, 2024, the Court of Appeals issued a published opinion in these consolidated cases. On December 2, 2024, undersigned counsel filed a petition for review in this

matter within 30 days of the published opinion, as required by RAP 13.4(a). However, counsel inadvertently listed the incorrect Court of Appeals case numbers on the first page of the petition. Specifically, counsel listed the Court of Appeals case number for *State v. Danielson*, No. 57675-9-II. Accordingly, administrative staff filed the petition under the *Danielson* case number instead of the instant case numbers.

Counsel learned of her error from administrative staff on December 3, 2024, and a corrected petition was filed that same day. The corrected petition includes the correct Court of Appeals case numbers, the published opinion, as well as a small formatting change to the table of contents, but contains no substantive changes.

Shortly after the corrected petition was filed, the Senior Case Manager for the Washington Supreme Court sent an email to counsel noting the problem with the original filing and indicating that a motion for extension of time may be needed.

Petitioner, through counsel, moves this Court to accept the petition as timely filed, albeit under the wrong case number.

In the alternative, petitioner requests a one-day extension of time as any delay was caused by an inadvertent clerical error by counsel and it would be a gross miscarriage of justice to reject the petition as untimely. *See* RAP 18.8(c).

III. CONCLUSION.

This Court should accept the petition as timely. In the alternative, this Court should enlarge the time for filing the petition by one day.

This pleading complies with RAP 18.7 and contains 323 words.

DATED this 4th day of December, 2024.

Respectfully submitted,

/s Jessica Wolfe

Jessica Wolfe

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DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Motion to Accept Petition for Review to the Supreme Court as Timely** to which this declaration is affixed/attached, was filed in the **Court of Appeals** under **Case No. 58161-2-II**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office / residence / e-mail address as listed on ACORDS / WSBA website:

☒ respondent Jesse Espinoza
[jespinoza@co.clallam.wa.us]
Clallam County Prosecutor's Office

☐ petitioner

☐ Attorney for other party



NINA ARRANZA RILEY, Paralegal
Washington Appellate Project

Date: December 4, 2024

WASHINGTON APPELLATE PROJECT

December 04, 2024 - 2:16 PM

Transmittal Information

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Appellate Court Case Number: 58161-2
Appellate Court Case Title: State of Washington, Respondent v. Simone Renee Nelson, Appellant
Superior Court Case Number: 95-1-00163-6

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