

3. FACTS RELEVANT TO MOTION

Freeman filed an untimely CrR 7.8 motion in the Superior Court. The trial court denied the State's motion to transfer the matter to the Court of Appeals, and simultaneously denied the CrR 7.8 motion. Freeman appealed the denial of his motion, and in an unpublished opinion, Division I of the Court of Appeals vacated the denial of Freeman's motion, converted the appeal to a personal restraint petition, and dismissed it as untimely. State v. Freeman, No. 68633-0-I (Div. I, Dec. 23, 2013) (attached to Petition for Review). Freeman then filed a motion for reconsideration which the Court of Appeals denied. On May 2, 2014, Freeman filed a petition for review. The State filed an answer on May 22, 2014.

4. GROUND FOR RELIEF AND ARGUMENT

RAP 13.4(d) authorizes a party to file a brief in reply to an answer to a petition for review "only if the answering party seeks review of issues not raised in the petition for review." Such reply is limited to addressing only the new issues raised in the answer. RAP 13.4(d). This Court may also specifically call for a reply brief. RAP 13.4(d). No other briefing is contemplated by the rules of appellate procedure.

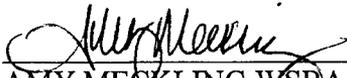
In its response to Freeman's petition for review, the State did not seek review of any issues not raised in the petition. See Answer to Pet. for Review. Because this Court has not called for a reply, Freeman is not authorized to file one.

5. CONCLUSION

Because the State did not seek review of any issues in its answer to the petition for review, this Court should not consider Freeman's reply brief.

Submitted this 5th day of June, 2014.

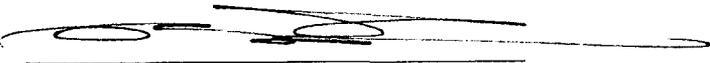
DANIEL T. SATTERBERG
Prosecuting Attorney


AMY MECKLING WSBA #28274
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Lance Hester, the attorney for the appellant, at Hester Law Group, Inc., P.S., 1008 S. Yakima Ave, Suite 302, Tacoma, WA 98405, containing a copy of the State's Motion to Strike Unauthorized Reply, in STATE V. ROBERT LEE FREEMAN, Cause No. 90229-1, in the Supreme Court for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.



Name
Done in Seattle, Washington

06/05/14
Date