

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 92133-4
Respondent,)	COA No. 45829-2-II
)	
v.)	JOINT MOTION TO
)	ACCELERATE REVIEW AND
MARCO MEDINA,)	REMAND FOR
Petitioner.)	RESENTENCING

A. IDENTITY OF MOVING PARTY

The petitioner, Marco Medina, jointly with the State of Washington, move this Court for the relief designated below.

B. STATEMENT OF RELIEF SOUGHT

In the interest of justice and pursuant to RAP 1.2, RAP 7.2, and RAP 18.8, the parties ask this Court to accelerate consideration of the petition for review and remand the case for resentencing based on this Court's decision in *State v. Conover*, __ Wn.2d __, __ P.3d __, No. 90782-0, 2015 WL 4760487 (Aug. 13, 2015).

C. GROUNDINGS FOR RELIEF AND ARGUMENT

1. Mr. Medina's petition for review was filed on July 10, 2015, and is set for consideration by a department of this Court on January 5, 2016.

2. The sole issue raised on appeal is whether school bus zone enhancements are consecutively imposed. Petition for Review, at 1, 4.

3. On August 13, 2015, this Court issued its decision in *Conover*, which addresses this same issue. *Conover* held that the school zone enhancements under RCW 9.94A.533(6) are to be imposed concurrently, not consecutively, in a standard range sentence.

4. Applying *Conover* to the case at bar, Mr. Medina will need to be resentenced.

7. Under RAP 7.2(e), the trial court does not have authority to enter orders that affect an issue pending on review without this Court's permission.

8. Under RAP 1.2(a), (c) and RAP 18.8, this Court may shorten the time needed to act in a case and may enter any rulings in the interest of justice to expeditiously resolve cases on their merits.

9. It would serve the interests of justice and economy to accelerate the consideration of the petition for review, order that the Court of

Appeals opinion decided without the benefit of *Conover* should be reversed and the case remanded for resentencing.

D. CONCLUSION

For the foregoing reasons, Marco Medina and the State of Washington jointly ask this Court to accelerate its consideration of the petition for review and remand the case for resentencing as soon as possible.

DATED this 15th day of October, 2015.

Respectfully submitted:



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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 of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 92133-4**, 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 or residence address as listed on ACORDS:

- respondent Mark McClaine, Pacific County Prosecuting Attorney
[mmclain@co.pacific.wa.us]
- petitioner
- Attorney for other party



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Date: October 15, 2015