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	A copy of this document was served via U.S. Mail or the recognized system of interoffice communications, or, <i>if an email address appears above, electronically.</i> I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED September 7, 2016, Port Orchard, WA <i>Martin C. Adams</i> Original e-filed at the Supreme Court, Copy to counsel listed above. Office ID #91103 kcpc@co.kitsap.wa.us

IN THE SUPREME COURT OF WASHINGTON

THE STATE OF WASHINGTON,)	No. 93388-0
)	
Respondent,)	STATE'S MOTION TO STRIKE
)	PETITIONER'S REPLY
v.)	
)	
BRIAN MCEVOY,)	
)	
Petitioner.)	

I. IDENTITY OF MOVING PARTY

The respondent, STATE OF WASHINGTON, asks this Court for the relief designated in Part II of this motion.

II. STATEMENT OF RELIEF SOUGHT

The State respectfully moves to strike Petitioner's reply because it is not permitted by the Rules of Appellate Procedure.



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III. FACTS RELEVANT TO MOTION

The State filed its answer to the petition for review on August 15, 2016. The State did not seek to raise any new issue for review in its answer. Petitioner thereafter filed a reply.

IV. GROUNDS FOR RELIEF AND ARGUMENT

RAP 13.4(d) provides in pertinent part:

Answer and Reply. ... A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer.

(Emphasis supplied). The State did not raise any new issue for review in its answer. As such, under RAP 13.4(d) Petitioner was not entitled to file a reply. His reply should therefore be stricken.

DATED this 7th day of September, 2016.

TINA R. ROBINSON
PROSECUTING ATTORNEY



RANDALL A. SUTTON, WSBA No. 27858
Deputy Prosecuting Attorney

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- **Case name:** State of Washington vs Brian McEvoy 93388-0
- **Case number:** 93388-0
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