

95756-8

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent

AZARIAH C. ROSS,

Appellant.

NO. 48321-1-II

MOTION FOR CONSOLIDATION OF
PERSONAL RETRAINT PETITIONS
AND MOTION FOR STAY OF
PROCEEDINGS

I. IDENTITY OF MOVING PARTY:

Respondent, State of Washington, requests the relief designated in Part II.

II. STATEMENT OF RELIEF SOUGHT:

The State asks the court to stay the proceedings in this matter until the Washington Supreme Court has issued an opinion in *In re PRP of Light-Roth*, Washington Supreme Court No. 94950-6.

III. GROUND FOR RELIEF AND ARGUMENT:

The State respectfully requests that this Court stay appellate proceedings in this case pending its decision in *In re PRP of Light-Roth*, No. 94950-6, which will answer the

1 question of whether an individual like the this petitioner, who may be considered a
2 “youthful adult” is entitled to a resentencing for the court to consider is youthfulness.

3 **Light-Roth** will also clarify if this defendant is entitled to relief via a collateral attack.

4 While there may be situations where it would be more prudent for this court to
5 address the underlying merits of the petitioner’s claim before reaching any sentencing
6 claims, this case does not present such a situation. Most of the claims raised in the
7 petitions involve claims previously raised in the petitioner’s direct appeal. **Light-Roth**,
8 however, may be dispositive of his claim regarding resentencing.

9 This court may grant a stay in an appeal that raises issues likely to be resolved by a
10 pending Supreme Court decision. RAP 17.1(a); **State v. A.G.S.**, 176 Wn. App. 365, 368,
11 309 P.3d 600 (2013); **In re Detention of Alsteen**, 159 Wn. App. 93, 94, 244 P.3d 991
12 (2010).

13 The State moves for a stay of appellate proceedings in the interest of judicial
14 economy since this court’s pending decision in **Light-Roth** is almost certain to resolve the
15 issue raised by the petitioner, which will affect this court’s decision in this case.
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17 Moreover, the State requests that the petitioner’s two personal restraint petitions
18 (#51452-4 and #48321-1) be consolidated so that, when appropriate, the State can file one
19 consolidated response.
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2 D. CONCLUSION.

3 For the foregoing reasons, the State respectfully requests that this Court stay the
4 appellate proceedings in this case pending the Supreme Court's decision in *In re PRP of*
5 *Light-Roth.*

6 DATED: April 20, 2018

7
8 MARK LINDQUIST
9 Pierce County
10 Prosecuting Attorney

11 
12 MICHELLE HYER
13 Deputy Prosecuting Attorney
14 WSB # 32724

15
16 Certificate of Service:

17 The undersigned certifies that on this day she delivered by U.S. mail or
18 ABC-LMI delivery to the attorney of record for the appellant and appellant
19 c/o his attorney true and correct copies of the document to which this certificate
20 is attached. This statement is certified to be true and correct under penalty of
21 perjury of the laws of the State of Washington. Signed at Tacoma, Washington,
22 on the date below.

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PIERCE COUNTY PROSECUTING ATTORNEY

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