FILED
SUPREME COURT
STATE OF WASHINGTON
3/13/2019 3:11 PM
BY SUSAN L. CARLSON
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
Respondent,)) NO. 96779-2
VS.) MOTION FOR EXTENSION
DAVID LEVICE PHILLIPS,) OF TIME TO FILE) ANSWER TO PETITION FOR) REVIEW
Petitioner.)
)
	J

1. <u>IDENTITY OF MOVING PARTY</u>

The State of Washington asks for the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

The State requests an extension of time for filing Respondent's Answer to Petition for Review.

3. <u>FACTS RELEVANT TO MOTION</u>

Phillips filed a petition for review of the Court of Appeals decision in his case on January 14, 2019. Respondent's answer to the petition was due thirty days later, on February 15, 2019.

MOTION FOR EXTENSION OF TIME

Counsel for respondent drafted an answer and submitted it for review by other senior deputies. In the absence of a response from them—and in a haze of unexpected snow, office and school closures, and preparation for oral argument in this Court on February 21, 2019—counsel promptly forgot about it. While counsel has no compelling excuse for this oversight, the State nonetheless offers its tardy Answer for this Court's consideration.

4. GROUNDS FOR RELIEF AND ARGUMENT

RAP 18.8(a) provides that the appellate court may enlarge the time within which an act must be done in order to serve the ends of justice. The extension requested will allow Respondent to provide the Court important context with which to evaluate Phillips' petition for review. As this Court is not scheduled to consider Phillips' petition until April 2, 2019, the requested extension will not prejudice the defendant or significantly delay the appeal. For the reasons stated above, the attorney for the State of Washington requests an extension of time.

DATED this 13th day of March, 2019.

DANIEL T. SATTERBERG

MOTION FOR EXTENSION OF TIME

Prosecuting Attorney

Jennifer Joseph, WSBA # 35042

Senior Deputy Prosecuting Attorney

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KING COUNTY PROSECUTOR'S OFFICE - APPELLATE UNIT

March 13, 2019 - 3:11 PM

Transmittal Information

Filed with Court: Supreme Court

Appellate Court Case Number: 96779-2

Appellate Court Case Title: State of Washington v. David Levice Phillips

Superior Court Case Number: 16-1-04792-7

The following documents have been uploaded:

967792_Answer_Reply_20190313151044SC005511_0962.pdf

This File Contains:

Answer/Reply - Answer to Petition for Review

The Original File Name was 96779-2 - States Answer to Petition for Review.pdf

967792_Motion_20190313151044SC005511_4865.pdf

This File Contains:

Motion 1 - Extend Time to File

The Original File Name was 96779-2 - Motion for Extension of Time to File Answer to Petition for Review.pdf

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