1 2 3 4 5 6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY 7 8 STATE OF WASHINGTON, 9 Respondent/Plaintiff, No. 04-2-07991-8 SEA 10 VS. STATE'S MOTION TO STRIKE 11 SHOW CAUSE HEARING AND ROGER W. KNIGHT, **DEFENDANT'S APPLICATION** 12 FOR WRIT OF PROHIBITION Appellant/Defendant. 13 14 15 MOTION 16 COMES NOW Norm Maleng, Prosecuting Attorney in the name and by the authority of 17 the State of Washington, by and through Jennifer L. Worley, Deputy Prosecuting Attorney, and 18 respectfully moves this court to strike the above-referenced hearing and pleadings. 19 As this court is aware, the State informed Mr. Knight of its intention to move to dismiss 20 the underlying DWLS 3 charge on Thursday, June 17, 2004 (jury trial date) and requested that 21 Mr. Knight strike the hearing set for Wednesday, June 16, 2004 in the Honorable Judge Doerty's 22 court. Mr. Knight refuses to do so. 23

Norm Maleng, Prosecuting Attorney W554 King County Courthouse 516 Third Avenue Seattle, Washington 98104 1 (206) 296-9000 FAX (206) 296-0955

## APPENDIX A

## RECEIVED

JUN 1 5 2004

2	JUDGE MARIANE SPEARMAN
3	Miletin
4	KING COUNTY DISTRICT COURT     EAST WEST   SOUTH DIVISION,   SCATTLE COURTHOUSE
5	STATE OF WASHINGTON,
6	j j
7	Plaintiff, ) No. <u>CA3838 (</u> )
8	Vs. )
9	Roger W. Knight, ) MOTION AND CERTIFICATION ) AND ORDER OF DISMISSAL Defendant. ) WITHOUT PREJUDICE
10	Defendant. ) WITHOUT PREJUDICE
11	COMES NOW Norm Maleng, Prosecuting Attorney for King County, Washington, by and
12	through his deputy, and moves the court for an order dismissing the above-entitled cause as to the above-named defendant without prejudice for the reasons set forth in the certification of the
13	undersigned deputy prosecuting attorney.
14	That <u>Jennier Worley</u> is a deputy prosecuting attorney in and for King County Washington, and is familiar with the records and files herein:
15	That, in the above-entitled cause, the above-named defendant is charged with Driving While
16	License Suspended or Revoked in the Third Degree.
17	That, in light of the Washington State Supreme Court's decision in <u>City of Redmond v.</u> <u>Moore</u> , Wn.2d, P.3d, 2004 WL 1207870 (June 3, 2004), the above-entitled cause as to
18	the above-named defendant should be dismissed without prejudice.
19	Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct.
20	Signed and dated by me this 15 <sup>th</sup> day of June, 2004, at Seattle, Washington.
21	
22	Density Prosecuting Attorney + 32800

MOTION AND CERTIFICATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE - 1

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IT IS HEREBY ORDERED that the above-entitled cause as to the above-named defendant be, and the same hereby is, dismissed without prejudice.

DONE IN OPEN COURT this

Presented by:

rpsecuting Attorney

#32/800