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21-1-00117-34  
MTC 30  
Motion to Continue  
11189692



E-FILED  
THURSTON COUNTY, WA  
SUPERIOR COURT  
10/13/2021 1:18:22 PM  
Linda Myhre Enlow  
Thurston County Clerk

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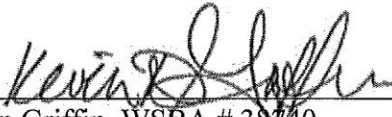
<i>IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF THURSTON</i>	
STATE OF WASHINGTON, Plaintiff,	
v.	
CRISTHIAN VALENCIA, Defendant.	

NO. 21-1-00117-34  
DEFENDANT'S MOTION TO CONTINUE  
TRIAL DATE

DEFENDANT'S MOTION

COMES NOW, the Defendant, Mr. Valencia, through counsel, and respectfully moves the Court for an order continuing the trial date in this case. This motion is supported by CrR 3.3, and the attached Certificate of Counsel.

DATED this 13<sup>th</sup> day of October, 2021.

  
 \_\_\_\_\_  
 Kevin Griffin, WSBA # 38740  
 Attorney for Mr. Valencia

THURSTON COUNTY  
PUBLIC DEFENSE  
926 24th Way SW  
Olympia, WA 98502  
(360) 754-4897

Certificate of Counsel

1 I, Kevin Griffin, am over the age of eighteen and competent to testify in a court of law in the  
2 state of Washington. I certify the following to the Court based on information and belief:

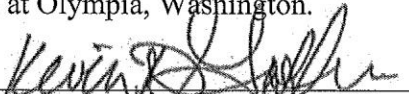
- 3 1.) I am appointed to represent the Defendant in the above captioned matter. I filed  
4 a Notice of Appearance on March 11, 2021.
- 5 2.) Mr. Valencia is accused of Delivery of a Controlled Substance, stemming from  
6 an incident allegedly occurring on or about January 28, 2021. Mr. Valencia is  
7 41 years old and faces a term in prison if convicted as charged.
- 8 3.) Mr. Valencia appeared at a first appearance hearing on February 3, 2021. The  
9 Court established bond in the amount of \$20,000. Mr. Valencia posted bond on  
10 or about February 4, 2021.
- 11 4.) The Information was filed by the State on February 5, 2021.
- 12 5.) Trial is currently scheduled to begin on October 18, 2021. A trial confirmation  
13 hearing was held on October 7, 2021. At that hearing, the defense orally shared  
14 some information about Mr. Valencia's status with the Court, including his  
15 physical location at an ICE detention facility in the Tacoma area.
- 16 6.) On or about Monday, October 4, 2021, defense counsel was contacted by phone  
17 by Mr. Valencia. Mr. Valencia explained that he had been detained by  
18 immigration officials who were questioning his status within this country. He  
19 told me he attempted to explain to them that he is a citizen of the United States,  
20 but that he understood that there has historically been some confusion about his  
21 status. Mr. Valencia helped me understand that it will likely take a little bit of  
22 time before this issue will be ironed out before an immigration judge. He also  
23 reassured me that he has been through this same process before. He expects to  
24 be released because he is a United States citizen.
- 25 7.) Mr. Valencia has been able to contact me by phone on multiple occasions since  
being detained by ICE. I expect him to appear by phone for the confirmation  
hearing this week.
- 8.) The parties have engaged in settlement negotiations, which have recently  
appeared productive. Those negotiations are ongoing, and the defense has  
reason to believe the negotiations will result in a plea agreement.
- 9.) I am respectfully moving the Court for a continuance of trial so that I can meet  
with my client and discuss the settlement options which I have recently  
discussed with the state, and allow Mr. Valencia a period of time to attempt to  
resolve the issue with ICE.

**THURSTON COUNTY**  
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1 10.) I am respectfully asking the Court to continue trial in this case to February 28,  
2 2021. I am asking the Court to schedule a trial confirmation hearing for  
February 17, 2021, at 10:30 a.m.

3 11.) I bring this motion in good faith, believing the law supports Mr. Valencia's  
4 request for a continuance of trial. I further assert that the continuance is  
required in order to provide effective assistance of counsel to this gentleman.

5 Respectfully submitted this 13<sup>th</sup> day of October, 2021, at Olympia, Washington.

6   
7 Kevin Griffin, WSBA#38740  
8 Attorney for Mr. Valencia  
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