

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

STATE OF WASHINGTON,

Plaintiff.

vs.

SELENA SMITH,

Defendant.

No. 21-1-00676-34-06

DEFENSE MOTION FOR CONTINUANCE
OF TRIAL DATE

I. MOTION

The defense moves the court for an order continuing the trial date to date to be determined. This motion is based upon CrR 3.3(e)(3), (f)(1) and (f)(2).

This motion is made pursuant to *State v. Jones*, 183 Wn.2d 237, 352 P.3d 776 (2015)(to discharge the duty to provide effective assistance of counsel, trial counsel must investigate the case); *State v. A.N.J.* 168 Wn.2d 91, 225 P.3d 956 (2010) (counsel rendered deficient assistance by failing to conduct meaningful investigation of defendant's case before proceeding to guilty plea); *State v. Campbell*, 103 Wn.2d 1, 691 P.2d 929 (1984), and CrR 3.3(e).

A continuance is requested in the interest of justice for the following reasons:

- To meet with client and continue discovery review.
- To investigate, consult with client and prepare; *St v. Harzog*, 96 Wn.2d 383, 402, 635 P.2d 694 (1981), *State v. A.N.J.*, *supra*. Defense investigation is ongoing.
- To perform legal research. *St. v Kylo*, 166 Wn.2d 856, 215 P.3d 177 (2009).
- To negotiate resolution of the case. *An initial offer was recently made and the parties are continuing negotiations.*
- To meet defense counsel's *Padilla* obligation;

- A waiver of speedy trial with a _____ commencement has been filed.
- In the alternative to a WST*, a continuance is requested pursuant to CrR 3.3(f) and the calculation of speedy trial is excluded from speedy trial pursuant to CrR 3.3(e)(3).
- Pursuant to CrR 3.3(f)(1), the parties are in agreement.
- Pursuant to CrR 3.3(f)(2) and companion juvenile court rules, a continuance is in the interest of justice as due to medical issues related to a closed-head injury, case preparations have been delayed. Ms. Smith remains in excellent contact with her attorney. Additionally, when the case was set to this date, it was set when counsel will be on vacation. Because of the current medical issues, the case was not set on a docket to address the need to reset trial dates. It was an inadvertent mistake that the trial date was set during a prescheduled vacation. State v. Campbell, 103 Wn.2d 1, 691 P.2d 929 (1984)
- Other: No party is prejudiced by this continuance.

This motion is based upon the court file, the Sixth Amendment to the US Constitution, Washington Constitution Art 1, Sec. 22 (amend. 10), the Standards of Indigent Defense, *State v. A.N.J.*, 168 Wn.2d 91 (2010) and *In re Davis*, 152 Wash. 2d 647, 721–22 (2004)¹ (citations omitted).

DATED May 27, 2026.



Kari Reardon, WSBA # 26142
Attorney for Ms. Selena Smith

¹ "Defense counsel must, at a minimum, conduct a reasonable investigation enabling counsel to make informed decisions about how best to represent the client. This includes investigating all reasonable lines of defense, especially 'the defendant's 'most important defense.' Counsel's failure to consider alternate defenses constitutes deficient performance when the defense attorney neither conducts a reasonable investigation nor makes a showing of strategic reasons for failing to do so."