

SUPREME COURT OF WASHINGTON

State v. McLean

150 Wn. 2d 583 (2003) · Decided December 4, 2003

SUMMARY

The Washington Supreme Court considered whether to adopt, by judicial decision, a mailbox rule deeming pro se prisoners' collateral attacks timely when delivered to prison officials before the statutory deadline. The court held that Washington's procedural rules require receipt by the court within the applicable period and declined to adopt the federal-style mailbox rule. The court affirmed dismissal of both the personal restraint petition and the motion to withdraw a guilty plea as untimely, and found no basis for equitable tolling.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Fairhurst, J.; Alexander, J.; Bridge, J.; Chambers, J.; Ireland, J.; Johnson, J.; Madsen, J.; Owens, J.; Sanders, J.
JURISDICTION	Washington
DECIDED	December 4, 2003
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Washington Supreme Court granted discretionary review in two consolidated matters involving untimely collateral attacks on criminal judgments: Carlstad's personal restraint petition and McLean's motion to withdraw his guilty plea.
STANDARD OF REVIEW	The court reviewed the timeliness of the collateral attacks under the governing statutes and court rules and reviewed the lower courts' legal conclusions de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Monti Carlstad, Brian McLean v. State of Washington

TOPICS

- post-conviction relief
- criminal procedure
- appellate procedure
- statutory interpretation
- state post-conviction relief

PRACTICE AREAS

criminal procedure

appellate procedure

post-conviction relief

statutory interpretation

QUESTIONS PRESENTED

1. Whether Washington courts should adopt, through judicial decision, a mailbox rule deeming a pro se prisoner's collateral attack filed when delivered to prison officials for mailing.
2. Whether RAP 18.6(c) permits a personal restraint petition to be timely filed when delivered to prison officials before the deadline but received by the appellate court afterward.
3. Whether CR 5(e), considered with CR 5(b)(2)(A), permits a motion to withdraw a guilty plea to be timely filed when delivered to prison officials before the deadline but received by the superior court afterward.
4. Whether equitable tolling could preserve either collateral attack despite receipt after the statutory deadline.

HOLDINGS

1. The Washington Supreme Court declined to adopt a mailbox rule through case law for pro se prisoners filing collateral attacks on criminal judgments.
2. Carlstad's personal restraint petition was untimely because RAP 18.6(c) required receipt by the appellate court within the filing period, and the petition was not received until one day after the deadline.
3. McLean's motion to withdraw his guilty plea was untimely because CR 5(e) requires filing with the clerk of the court, and the mailbox rule applies to service under CR 5(b)(2)(A) but not to filing.
4. The court did not decide whether equitable tolling is available in criminal cases, but held that it could not apply to either Carlstad or McLean because neither demonstrated bad faith, deception, or false assurances by prison officials.

KEY QUOTATIONS

"We decline to adopt the mailbox rule through case law." (at 586)

"Neither RAP 18.6(c), which governs the timely filing of a PRP, nor CR 5(e), which governs the timely filing of a motion to withdraw guilty plea, allows for the mailbox rule." (at 594)

FACTUAL BACKGROUND

Carlstad and McLean were incarcerated pro se litigants who delivered filings to prison officials before the expiration of the one-year period for collateral attacks on their criminal judgments. Carlstad's personal restraint petition was received by the Court of Appeals one day after the deadline. McLean's motion to withdraw his guilty plea was delivered to prison personnel before the deadline but was received by the superior court after the deadline. Neither litigant showed that prison officials acted in bad faith, deceptively, or gave false assurances.

PROCEDURAL HISTORY

The Court of Appeals dismissed Carlstad's personal restraint petition as untimely, and the Washington Supreme Court granted discretionary review. In McLean's case, the superior court dismissed his motion to withdraw his guilty plea as untimely, the Court of Appeals affirmed, and the Supreme Court granted discretionary review. The Supreme Court affirmed the Court of Appeals in both matters.

DISPOSITION

affirmed

CASES CITED

- In re Pers. Restraint of Carlstad, 114 Wn. App. 447, 458, 58 P.3d 301 (2002)
- In re Pers. Restraint of Carlstad, 149 Wn.2d 1008, 67 P.3d 1097 (2003)
- State v. McLean, noted at 96 Wn. App. 1011 (1999)
- State v. McLean, 139 Wn.2d 1018, 994 P.2d 846 (2000)
- State v. McLean, noted at 115 Wn. App. 1030 (2003)
- State v. Robinson, 104 Wn. App. 657, 17 P.3d 653 (2001)
- State v. Hurt, 107 Wn. App. 816, 27 P.3d 1276 (2001)
- Houston v. Lack, 487 U.S. 266, 108 S. Ct. 2379, 101 L. Ed. 2d 245 (1988)
- State v. Duvall, 86 Wn. App. 871, 874-75, 940 P.2d 671 (1997)
- State v. Littlefair, 112 Wn. App. 749, 760, 51 P.3d 116 (2002)
- Smith v. Conner, 250 F.3d 277, 279 n.11 (5th Cir. 2001)