

**THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II**

In the Matter of the Personal Restraint
Petition of:

HOYT WILLIAM CRACE,

Petitioner,

No. 37806-0-II

**ORDER GRANTING MOTION FOR
RECONSIDERATION AND WITHDRAWING
UNPUBLISHED OPINION**

On January 25, 2010, the petitioner moved for reconsideration of our opinion filed January 20, 2010. In his motion he referred to facts in the record that he did not supply to this court in his original personal restraint petition. Because the petitioner supplies facts relevant to our analysis, we grant his motion for reconsideration and, accordingly, withdraw the unpublished opinion filed on January 20, 2010. A new opinion will be issued.

IT IS SO ORDERED.

DATED this _____ day of _____, 2010.

Van Deren, C. J.

I concur:

Armstrong, J.

I dissent:

Quinn-Brintnall, J.

No. 37806-0-II