SUPREME COURT NO. 100977-1

NO. 82702-2-I

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

DAVID KANKAM,

Petitioner.

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SNOHOMISH COUNTY

The Honorable Anna Alexander & George Appel, Judges

PETITION FOR REVIEW

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RULES, STATUTES AND OTHER AUTHORTIES

A. PETITIONER AND COURT OF APPEALS DECISION

Petitioner David Kankam seeks review of the Court of Appeals' unpublished decision in State v. Kankam, filed May 2, 2022 ("Op."), which is appended to this petition.

B. ISSUE PRESENTED FOR REVIEW

Under RCW 9.94A.525(5)(a)(i),[1] a trial court is *required* to evaluate whether *prior* offenses that were served concurrently

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[1] That statute provides in part that

> . . . . The current sentencing court *shall* determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations[.]

RCW 9.94A.525(5)(a)(i) (emphasis added).

should be counted as one offense. Considering this obligation, as well as this Court's prior decisions in State v. Lucero[2] and State v. Mendoza,[3] the trial court must go through this process absent affirmative agreement by defense counsel to a specific offender score. Relying on another Court of Appeals opinion, State v. Nitsch,[4] however, the Court of Appeals determined defense counsel waived the issue. But the decision fails to acknowledge that Nitsch involved same criminal conduct analysis as to current convictions, where there is no corresponding trial court obligation.

Considering the trial court's obligation under RCW 9.94A.525(5)(a)(i), should this Court grant review to clarify what constitutes waiver under the circumstances?

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[2] 168 Wn.2d 785, 230 P.3d 165 (2010)

[3] 165 Wn.2d 913, 205 P.3d 113 (2009)

[4] 100 Wn. App. 512, 997 P.2d 1000 (2000)

C. STATEMENT OF THE CASE[5]

The State charged Kankam with first degree robbery based on a June 2020 incident at a tobacco shop. CP 110-11. The jury convicted Kankam as charged. CP 56.

Kankam requested an 84-month exceptional sentence downward. RP 442-45; CP 37-55 (defense sentencing memorandum).

Counsel submitted documents for sentencing indicating that Kankam has endured much pain in his life. Kankam's parents were Cambodian refugees who, in the 1970s, fled genocide. CP 47. In the United States, the family still was not safe—Kankam's father was the victim of an unsolved murder. CP 48. Kankam himself struggled with depression and psychotic symptoms and turned to drugs to self-medicate. CP 46, 49-50. This led to several periods of incarceration, involuntary mental

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[5] The verbatim reports in this case consist of the initially filed, consecutively paginated verbatim report (RP) covering several dates, as well as the later filed verbatim report pertaining to the September 23, 2020 CrR 3.5 hearing (Supp. RP).

health treatment, struggles with addiction, and extended periods of homelessness. CP 38, 47, 50-51. When the incident at issue occurred, Kankam was off his medications and experiencing hallucinations. CP 52.

In the defense sentencing memorandum, Kankam's attorney addressed the fact that, at a score of 11, Kankam's standard sentencing range would be 129 to 171 months. CP 43 ("Mr. Kankam's standard range is 129-171 months at an offender score of 11."). But counsel did not affirmatively agree to that score, nor did counsel make any representation about whether prior convictions represented same criminal conduct.

The trial court denied Kankam's request for an exceptional sentence downward. RP 446-47. But, finding Kankam's request for leniency persuasive, the trial court sentenced Kankam to the low end of the standard range, 129 months, based on an offender score of 11. RP 446-47; CP 27; RCW 9.94A.525(8).

However, the court failed to address whether any of Kankam's prior convictions constituted the same criminal

conduct and therefore should be counted as a single point. See RCW 9.94A.525(5)(a)(1). Notably, five of Kankam's prior convictions were sentenced on two dates. CP 24; CP 118-24 (State's sentencing memorandum).[6]

Kankam appealed, arguing the trial court failed to address whether any of Kankam's prior convictions constituted the same criminal conduct and should therefore count as a single point. Relying on Nitsch, and attempting to distinguish Mendoza and Lucero, the Court of Appeals determined that defense counsel had waived that matter. Op. at 5-8.

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[6] Kankam has only 10 prior convictions. CP 24. But, because Kankam's offender score was calculated under RCW 9.94A.525(8), his prior conviction for attempted second degree robbery counted as two points. Although RCW 9.94A.030, the SRA's definitions provision, does not define attempted second degree robbery as a "violent offense," the attempted offense scores the same as does the completed offense of second degree robbery, and therefore doubles. See RCW 9.94A.525(4) ("Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses."); State v. Becker, 59 Wn. App. 848, 851-55, 801 P.2d 1015 (1990)

Kankam now asks that this Court grant review under RAP 13.4(b)(1) and reverse.

D. REASONS REVIEW SHOULD BE GRANTED

1. **Review is appropriate under RAP 13.4(b)(1).**

Review is appropriate under RAP 13.4(b)(1). The Court of Appeals' opinion conflicts with two opinions by this Court, Lucero and Mendoza, relying instead on a Court of Appeals opinion that is, regardless of its viability, not on point factually. Further, this Court should grant review to clarify what constitutes waiver under the circumstances.

2. **The trial court failed to consider whether Kankam's prior convictions constituted the same criminal conduct, and—contrary to the Court of Appeals' decision—defense counsel did not waive this challenge.**

The trial court failed to consider whether certain prior convictions constituted the same criminal conduct. RCW 9.94A.525(5)(a)(1) requires that a sentencing court evaluate whether prior offenses that were served concurrently should count as one offense. Five of Mr. Kankam's convictions were

sentenced on two dates. Thus, the trial court failed to engage in the statutorily required analysis. Failure to conduct this analysis is itself an abuse of discretion, and remand for resentencing is required.

Further, consistent with prior decisions by this Court, defense counsel did not waive Kankam's right to have the trial court comply with the statute by simply listing a specific standard range when requesting an exceptional sentence downward. The Court of Appeals' misguided analysis on this matter merits this Court's attention.

a. Standard of review.

This Court reviews de novo a trial court's interpretation of the Sentencing Reform Act. State v. Jones, 172 Wn.2d 236, 242, 257 P.3d 616 (2011). A trial court's determination of same criminal conduct is reviewed for abuse of discretion, which includes misapplication of the law. State v. Aldana Graciano, 176 Wn.2d 531, 536, 295 P.3d 219 (2013). But a trial court necessarily abuses its discretion when it fails to exercise its

discretion, such as when it fails to make a necessary decision. State v. Flieger, 91 Wn. App. 236, 242, 955 P.2d 872 (1998). Finally, an accused person may challenge their offender score for the first time on appeal. State v. Jones, 182 Wn.2d 1, 6, 338 P.2d 278 (2014).

b. The trial court failed to comply with RCW 9.94A.525(5)(a)(i), requiring remand for resentencing.

The trial court failed to comply with the Sentencing Reform Act. Contrary to the Court of Appeals' decision, remand for resentencing is required.

Under RCW 9.94A.525(5)(a)(i), sentencing courts must determine whether prior convictions constitute same criminal conduct.[7] This mandatory analysis, relating to prior convictions,

[7] Offenses constitute the same criminal conduct if they are (1) committed with the same criminal intent, (2) committed at the same time and place, and (3) involve the same victim. State v. Vike, 125 Wn.2d 407, 410, 885 P.2d 824 (1994). "'Intent, in this context, is not the particular mens rea . . . of the particular crime, but rather is the offender's objective criminal purpose in committing the crime.'" State v. Phuong, 174 Wn. App. 494, 546, 299 P.3d 37 (2013) (quoting State v. Adame, 56 Wn. App.

is different than that relating to current convictions. See State v. Williams, 181 Wn.2d 795, 336 P.3d 1152 (2014).

Consistent with this statute, "[a] sentencing court . . . must apply the same criminal conduct test to multiple prior convictions that a court has not already concluded amount to the same criminal conduct. The court has no discretion on this." State v. Torngren, 147 Wn. App. 556, 563, 196 P.3d 742 (2008) (citing RCW 9.94A.525(5)(a)(i); State v. Reinhart, 77 Wn. App.

803, 811, 785 P.2d 1144 (1990)); cf. State v. Chenoweth, 185 Wn.2d 218, 223, 370 P.3d 6 (2016) (comparing strict liability offenses to preclude same criminal conduct finding). Put another way, the relevant inquiry for the intent prong is whether the criminal intent, viewed objectively, changed from one crime to the next, and how much. State v. Moreno, 14 Wn. App. 2d 143, 163, 470 P.3d 507 (2020), aff'd on other grounds, 198 Wn.2d 737, 499 P.3d 198 (2021).

Several factors inform the objective intent determination, including: (1) how intimately related the crimes are; (2) whether the criminal objective substantially changed between the crimes; (3) whether one crime furthered another; and (4) whether both crimes were part of the same scheme or plan. State v. Burns, 114 Wn.2d 314, 318, 788 P.2d 531 (1990). Crimes may involve the same intent if they were part of a continuous transaction or involved a single, uninterrupted criminal episode. State v. Deharo, 136 Wn.2d 856, 858, 966 P.2d 1269 (1998).

454, 459, 891 P.2d 735 (1995); State v. Lara, 66 Wn. App. 927, 931-32, 834 P.2d 70 (1992)), abrogated on other grounds by Aldana Graciano, 176 Wn.2d 531; cf. State v. Nitsch, 100 Wn. App. 512, 522, 997 P.2d 1000 (2000) (discussing former RCW 9.94A.400, currently codified as RCW 9.94A.589, and indicating that the trial court has no duty to conduct a same criminal conduct analysis sua sponte as to *current* crimes).

Further, "'[w]hen the sentencing court incorrectly calculates the standard range . . . remand is the remedy unless the record clearly indicates the sentencing court would have imposed the same sentence anyway.'" State v. Griepsma, 17 Wn. App. 2d 606, 621, 490 P.3d 239 (quoting State v. Parker, 132 Wn.2d 182, 189, 937 P.2d 575 (1997)), review denied, 198 Wn.2d 1016 (2021).

Here, the trial court failed to conduct mandatory analysis under RCW 9.94A.525(5)(a)(i). Remand was the appropriate remedy. However, the Court of Appeals erroneously determined that, under Nitsch, defense counsel waived the obligation.

c. Contrary to the Court of Appeals' decision, defense counsel did not waive Kankam's right to the application of RCW 9.94A.525(5)(a)(i) merely by reciting a sentencing range

Contrary to the Court of Appeals' decision—which eschews two decisions from this Court in favor of an older and distinguishable Court of Appeals' decision—there was no waiver.

As stated, in the defense sentencing memorandum, seeking a downward departure to 84 months, Kankam's attorney addressed the fact that, at a score of 11, the standard sentencing range would be 129 to 171 months. CP 43 ("Mr. Kankam's standard range is 129-171 months at an offender score of 11."). But defense counsel did not affirmatively agree to that score, nor did counsel make any representation about whether prior convictions represented same criminal conduct. Counsel's actions did not amount to waiver.

The State nonetheless argued in the Court of Appeals that when Kankam's attorney listed the sentencing range, they

affirmatively agreed to an offender score. Br. of Resp't at 7-12. The Court of Appeals appears to have accepted this argument. Op. at 5-8.

But the Court of Appeals' decision is incorrect and warrants this Court's attention. That is because, in analogous cases, this Court has made it clear that merely reciting the applicable sentencing range at a certain offender score is different from agreeing to that offender score.

Like counsel in the present case, counsel in State v. Lucero, 168 Wn.2d 785, 230 P.3d 165 (2010), also recited a standard range based on a score. Id. at 787. This Court held that counsel's recitation of the range based on a score did not constitute agreement to the components of the score. Id. at 789.

State v. Mendoza, 165 Wn.2d 913, 205 P.3d 113 (2009), relied on by the Lucero court, is also instructive. There, defense counsel's recommendation within the sentencing range asserted by the State did not amount to agreement that the range was correct. Mendoza, 165 Wn.2d at 928-29.

Rejecting these cases, the Court of Appeals relied on an older Court of Appeals case, Nitsch, to find that trial counsel had waived the argument by discussing a specific sentencing range in its memorandum. Op. at 6-7.

Yet Nitsch does not address waiver under RCW 9.94A.525, but rather the prior codification of the statute dealing with current crimes. Nitsch, 100 Wn. App at 523. The related statute imposes no obligation that a trial court evaluate current convictions to determine if they are same criminal conduct. But RCW 9.94A.525(5)(a)(i) does.

It is true that Lucero (and its predecessor Mendoza) deal with a different underlying issue, comparability of out-of-state convictions. But they nonetheless apply here. Just as the Sentencing Reform Act requires a trial court to engage in comparability analysis before counting an out-of-state conviction in an offender score, it also requires a trial court to engage in RCW 9.94A.525(5)(a)(i) analysis as to prior

convictions when calculating an offender score. See Torngren, 147 Wn. App. at 563. There is no meaningful distinction.

The Court of Appeals' reliance on Nitsch to find waiver of the trial court's RCW 9.94A.525(5)(a)(i) obligation is misguided and inappropriately disregards Lucero and Mendoza. This Court should grant review to resolve this conflict, reverse, and remand for resentencing.

E. CONCLUSION

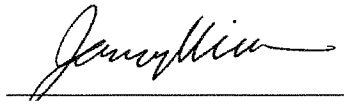
This Court should accept review under RAP 13.4(b)(1) and reverse the Court of Appeals.

I certify this document contains 2,290 words, excluding those portions exempt under RAP 18.17.

DATED this 1st day of June, 2022.

Respectfully submitted,

NIELSEN KOCH & GRANNIS



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APPENDIX

FILED
5/2/2022
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. DAVID V. KANKAM, Appellant.	No. 82702-2-I DIVISION ONE UNPUBLISHED OPINION

SMITH, A.C.J. — A jury found David Kankam guilty of first degree robbery. The trial court sentenced him to 129 months, the low end of the standard range given his calculated offender score of 11. On appeal Kankam challenges that calculation, contending that the trial court failed to consider whether some of his prior convictions constituted the same criminal conduct and should not have been counted separately, as required by RCW 9.94A.525(5)(a)(i). He contends that if it had, his offender score standard range would be lower. Because Kankam's attorney not only failed to challenge the offender score calculation but explicitly referenced it in his presentence report, and because the court was entitled to rely on those representations, we affirm on this issue.

Kankam also challenges the trial court's imposition of supervision fees in his Judgement and Sentence when it had, in its oral ruling, said that it would waive any discretionary fees. The State concedes the error in light of State v. Bowman, 198 Wn.2d 609, 498 P.3d 478 (2021). We therefore reverse on this

issue with instructions to the trial court to strike the supervision fee language from the Judgement and Sentence.

FACTS

On June 26, 2020, David Kankam walked into Tobacco Town in Mill Creek, Washington. After the store's proprietor handed over the wrong type of pipe tobacco, Kankam became angry and violent. He struck the proprietor with his backpack, threw over displays, and took a number of lighters. When followed outside the store, he turned and renewed his attack, hitting the proprietor's face and head until, and after, the man fell to the ground. Kankam was charged with first degree robbery. A jury found him guilty on February 25, 2021.

The State's sentencing memorandum calculated Kankam's offender score at 11 and requested a sentence of 171 months, the high end of the standard range. The state calculated his score based on ten prior convictions, one of which counted as two points as a violent offense under RCW 9A.56.200. The State noted that Kankam's "score of 11 means that his sentencing range does not take into account all of his felony convictions." The State did not address in either its sentencing memorandum or at the sentencing hearing itself that three of Kankam's convictions (for possession of stolen property, theft, and residential burglary) were entered on December 3, 2004 and two others (for possession of stolen property and attempted robbery) occurred on October 13, 2006.

Counsel for Kankam did not contest the State's calculation of his offender score in either his pre-sentencing briefing or at the sentencing hearing. Instead,

Kankam's sentencing memorandum requested a downward departure based on the State's offender score calculation: "For a Robbery in the First-Degree conviction, Mr. Kankam's standard range sentence is 129-171 months at an offender score of 11. The Defense is requesting a sentence of 84 months, a downward departure from the sentencing guidelines." This was the Defense's only reference to Kankam's offender score calculation throughout the sentencing process. At no point in briefing or at the sentencing hearing was the issue brought to the court's attention by either the State or the Defense, and the Court did not raise the question independently.

The court denied Kankam's request for a downward departure and sentenced Kankam to the low end of the standard range: 129 months. At sentencing, the court confirmed its feelings about the appropriateness of this sentence independent from the standard range: "the Court is convinced that over ten years . . . is appropriate for this particular crime for this particular defendant." The court relied on the same criminal history presented by the State and assumed an offender score of 11.

Also at sentencing, the court stated on the record that it was "making a finding of indigency and waiving any non-mandatory fees and costs." Despite this, the judgment and sentence reviewed and submitted by the parties and signed by the court included language directing that Kankam "pay supervision fees as determined by [the Department of Corrections]." The language was

preprinted in the middle of a long paragraph as the sixth of eight listed conditions of community custody contained in the judgment and sentence form.

Kankam appeals.

ANALYSIS

Standard of Review

Generally, issues not raised in the trial court may not be raised for the first time on appeal. See RAP 2.5(a); State v. Ford, 137 Wn.2d 472, 477, 973 P.2d 452 (1999). RAP 2.5(a) is discretionary rather than an absolute bar to review, however, and "[i]n the context of sentencing, established case law holds that illegal or erroneous sentences may be challenged for the first time on appeal." Ford, 137 Wn.2d at 477. This is true even where the error is not, as RAP 2.5 would otherwise require, jurisdictional or constitutional. In re Pers. Restraint of Fleming, 129 Wn.2d 529, 532, 919 P.2d 66 (1996).

As a general matter, "[i]nterpretation of the [Sentencing Reform Act of 1981, ch. 9.94A RCW] is a question of law that we review de novo." State v. Jones, 172 Wn.2d 236, 242, 257 P.3d 616 (2011). Where the trial court has made a determination as to whether two or more criminal convictions are the "same criminal conduct" under RCW 9.94A.525, that determination is reviewed for abuse of discretion or misapplication of the law. State v. Graciano, 176 Wn.2d 531, 536, 295 P.3d 219 (2013). Under this standard, "where the record adequately supports either conclusion, the matter lies in the court's discretion. Whether the record 'supports' a particular conclusion, of course, may depend on who carries the burden of proof." Graciano, 176 Wn.2d at 538.

Same Criminal Conduct Determination

Kankam first contends that the trial court erred by failing to consider whether certain of his prior convictions constitute the same criminal conduct under RCW 9.94A.525(5)(a)(i). This statute directs that, when calculating an offender score, "[p]rior offenses which . . . encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score." RCW 9.94A.525(5)(a)(i). "The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently . . . whether those offenses shall be counted as one offense or as separate offenses using the 'same criminal conduct' analysis found in RCW 9.94A.589(1)(a)."[1] RCW 9.94A.525(5)(a)(i). "[I]f the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used." RCW 9.94A.525(5)(a)(i).

The sentencing court does not have discretion regarding whether to apply this test. State v. Torngren, 147 Wn. App. 556, 563, 196 P.3d 742 (2008) ("A sentencing court, again, must apply the same criminal conduct test to multiple prior convictions that a court has not already concluded amount to the same criminal conduct. RCW 9.94A.525(5)(a)(i). The court has no discretion on this." (emphasis omitted)), abrogated on other grounds by Graciano, 176 Wn.2d 531.

[1] RCW 9.94A.589(1) defines "same criminal conduct" as "two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim."

A defendant may, however, "waive any challenge to a miscalculated offender score by agreeing to that score (or to the criminal history on which the score is based) in a plea agreement or by other stipulation." In re Pers. Restraint of Goodwin, 146 Wn.2d 861, 873, 50 P.3d 618 (2002). Waiver cannot apply "where the alleged sentencing error is a legal error leading to excessive sentence," but can apply "where the alleged error involves an agreement to facts, later disputed, or where the alleged error involves a matter of trial court discretion." Goodwin, 146 Wn.2d at 873-74 (emphasis omitted).

In Goodwin, the Supreme Court specifically approved of the Court of Appeals opinion in State v. Nitsch.[2] 146 Wn.2d at 875. In Nitsch, the defendant argued for the first time on appeal that two of his prior crimes should have been counted as the same criminal conduct. 100 Wn. App. at 518-19. Nitsch had not remained silent on the issue of his offender score below but had "affirmatively alleged" the higher, miscalculated sentencing range in his presentence report. Id. at 522. While he had not explicitly stated an offender score, "his explicit statement of the range [was] inescapably an implicit assertion of his score, and also an implicit assertion that his crimes did not constitute the same criminal conduct." Id.

The court concluded that the Sentencing Reform Act "permits the sentencing court to rely on unchallenged facts and information." Id. at 521. As a result, by his statement, Nitsch failed to request an exercise of the court's

[2] 100 Wn. App. 512, 997 P.2d 1000, review denied, 141 Wn.2d 1030, 11 P.3d 827 (2000).

discretion and waived any further challenge to his offender score. Id. at 524-25 ("[T]he trial court's failure to conduct such a review sua sponte cannot result in a sentence that is illegal. The trial court thus should not be required, without invitation, to identify the presence or absence of the issue and rule thereon.").

Here, as in Nitsch, Kankam "affirmatively alleged" his standard range in written materials submitted to the trial court for review before his sentencing hearing. He then asked for a downward departure based on that range. Unlike Nitsch, in which the defendant did not affirmatively state his offender score but only his range, Kankam also explicitly referenced an offender score of 11. In so doing, because the trial court appropriately relied upon his representations to infer that he was not challenging the calculation of his offender score, he waived his right to make that challenge on appeal.

Kankam contends that the statement in his sentencing memorandum did not constitute waiver by citing to State v. Lucero, 168 Wn.2d 785, 230 P.3d 165 (2010). There, counsel for the defendant recited a range during his sentencing hearing "that was apparently based on the inclusion of a California burglary conviction in his offender score." Lucero, 168 Wn.2d at 787. The Supreme Court found that "mere failure to object to the State's assertion of criminal history is not an affirmative acknowledgment amounting to a waiver of criminal history sentencing error" and reversed." Lucero, 168 Wn.2d at 788-89.

Lucero is distinguishable. There, the issue was whether underlying out-of-state convictions were comparable to certain Washington crimes for purposes of

offender score calculation." Lucero, 168 Wn.2d at 789. Here, the issue is whether underlying crimes should have been counted as the "same criminal conduct." The key distinction between the two is what party bears the burden of proof. The State generally bears the burden to demonstrate past criminal record. State v. Mendoza, 165 Wn.2d 913, 920, 205 P.3d 113 (2009). But it is the *defendant*'s burden to demonstrate that prior offenses constitute the same criminal conduct. Graciano, 176 Wn.2d at 539. Therefore, Lucero does not control.

The trial court did not err by failing to conduct a same criminal conduct analysis.

Legal Financial Obligations

Kankam also challenges the trial court's imposition in his judgment and sentence of community custody supervision fees, contrary to its oral ruling. The State concedes that these should be stricken, given the Supreme Court's recent decision in Bowman. As here, Bowman concerns a conflict between the trial court's oral ruling and its judgment and sentence; in the former, the court waived all non-mandatory fees, but the latter nonetheless imposed the supervision fees also imposed on Kankam. See Bowman, 198 Wn.2d at 629. The Court in Bowman found that "because 'supervision fees are waivable by the trial court, they are discretionary [legal financial obligations].' " 198 Wn.2d at 629 (quoting State v. Dillon, 12 Wn. App. 2d 133, 152, 456 P.3d 1199 (2018)). The Court agreed that the trial court had committed procedural error by imposing the

supervision fee where it had agreed to waive discretionary fees and it ordered the fee be stricken from the judgment and sentence. Bowman, 198 Wn.2d at 489-90. Similarly, the court erred by imposing supervision fees here.

We reverse in part and remand for the court to strike the supervision fees from Kankam's judgment and sentence.

Smith, A.C.J.

WE CONCUR:

Bowman, J.

Dwyer, J.

NIELSEN KOCH & GRANNIS P.L.L.C.

June 01, 2022 - 2:02 PM

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