

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
10/29/2018 8:00 AM  
BY SUSAN L. CARLSON  
CLERK

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	NO. 96325-8
	)	
Respondent,	)	Motion to Reverse Legal Financial Obligations
	)	
vs.	)	
	)	
Brendan Taylor,	)	
	)	
Appellant.	)	

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1. Identity of Moving Party

Brendan Taylor, appellant, requests the relief designated in part 2.

2. Statement of Relief Sought

Appellant respectfully requests this Court to accept this motion as a supplemental brief to vacate the trial court's imposition of DNA fees and a criminal filing fee pursuant to the Supreme Court's recent decision in *State v. Ramirez*, --- Wn.2d ---, 426 P.3d 714 (September 20, 2018)."

3. Facts Relevant to Motion

Mr. Taylor's criminal case is currently pending on direct appeal. His Opening Brief was filed in the Court of Appeals on August 4, 2017.

At sentencing, the trial court included previous felony convictions in Mr. Taylor's offender score. CP 62. The sentencing court also ordered him to pay a \$100 DNA fee and a \$200 criminal filing fee. CP 66. The court also found Mr. Taylor indigent at the end of the proceedings in trial court. CP 74-75.

#### 4. Grounds for Relief and Argument

On September 20, 2018, the This Court decided in *State v. Ramirez*, --- Wn.2d ---, 426 P.3d 714 (September 20, 2018), that the amendments to the Legal Financial Obligations (LFO) statutes passed as HB 1783 applies prospectively to all cases pending on direct appeal. *Ramirez*, - -- Wn.2d at ---, 426 P.2d at 722.

Pursuant to those amendments, a trial court may no longer impose discretionary LFOs upon indigent persons. RCW 10.01.160(3). Likewise, a sentencing court may no longer order an indigent person to pay the \$200 criminal filing fee. Laws of 2018, ch. 269, § 17; *Ramirez*, --- Wn.2d at ---, 426 P.2d at 722. Finally, a sentencing court may not order an indigent person to pay a \$100 DNA collection fee if s/he has already paid that fee previously because of a prior felony conviction. Laws of 2018, ch. 269, §§ 1, 18, 7; *Id.*

Because he is indigent, the sentencing court is prohibited from ordering Mr. Taylor to pay the \$200 criminal filing fee under HB 1783. *Id.* Also, because he has already had his DNA collected as a result of previous felony convictions, the sentencing court is prohibited from ordering him to pay the \$100 DNA collection fee. *Id.*

*Ramirez* applies prospectively to Mr. Taylor's case, which is currently pending on direct appeal. *Id.* Accordingly, this Court must vacate the orders requiring Mr. Taylor to pay a \$200 criminal filing fee and a \$100 DNA collection fee.

Mr. Taylor was unable to include this argument in his Opening Brief because of the timing of the *Ramirez* decision. Granting this motion will assure adequate appellate review of this case.

**I certify that on today's date, I delivered an electronic version of this Motion to the Kittitas County prosecuting attorney (at prosecutor@co.kittitas.wa.us) using the Court's filing portal (with permission).**

Signed October 26, 2018 in Seattle, Washington.



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Skylar T. Brett, WSBA# 45475  
Attorney for Appellant

**LAW OFFICE OF SKYLAR BRETT**

**October 26, 2018 - 5:49 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 96325-8  
**Appellate Court Case Title:** State of Washington v. Brendan Reidy Taylor  
**Superior Court Case Number:** 16-1-00323-0

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