

RECEIVED  
SEP 18 2018  
Washington State  
Supreme Court

NO 96336-3

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON  
Respondent

vs.

ANDREW FLORES  
Petitioner

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MOTION FOR DISCRETIONARY REVIEW  
SUPERIOR COURT NO. 96-1-01593-8  
COURT OF APPEALS NO. 51888-1-II

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Andrew Flores 974029

AHCC PO Box 2049

Spokane , Wash. 99001

A. IDENTITY OF PETITIONER

Andrew Flores, Petitioner asks this Court to accept review of the decision designated in Part B of this Motion

B. Petitioner asks this Court for review of the Court of Appeals Order Denying Motion to Modify Ruling. Court of Appeals No. 51888-1-II filed on August 15, 2018

C. ISSUES PRESENTED FOR REVIEW

1. Does the Superior Court lack Jurisdiction to collect Legal financial obligations
2. Does E2SHB 1783 Apply in respects to the accumulated Interest

D. PROCEDURAL HISTORY

Flores first filed his Petition on June 15, 2016 arguing the Court Lacked Jurisdiction to collect legal financial obligations.

The Superior Court dismissed Mr. Flores petition. Mr. Flores sought Appeal, The Court of Appeals dismissed Flores petition.

Flores sought Personal Restraint Petition in the Supreme Court. Court Commissioner directed the State to Admit or Deny Jurisdiction SEE EXHIBIT A

The State conceded " the Superior Court retains No Jurisdiction by operation of Statute, and the Superior Court is Not Authorized to collect legal financial obligations from Mr. Flores" SEE EXHIBIT B

Supreme Court Commissioner denied discretionary review reasoning "This Court cannot provide Mr. Flores relief from his expired legal financial obligations"

Mr. Flores filed on April 19, 2018 Motion and Order waiving legal financial obligations and Interest. SEE EXHIBIT C

Flores argued the Superior lacked Jurisdiction.

Discretionary review...

Superior Court Commissioner accepted the States argument that they are not attempting to collect and denied Flores relief.

Flores Appealed and Court of Appeals Commissioner denied Flores petition.

Flores Appealed that decision and filed Motion to Modify Commissioner ruling.

Court of Appeals denied motion and this timely Motion for discretionary review follows:

E. ARGUMENT

COURT OF APPEALS ORDER DENYING MOTION  
TO MODIFY COMMISSIONER RULING IS  
APPEALABLE PURSUANT TO RAP 13.3(e)

Citing RAP 13.3(e) "The decision of the Court of Appeals on a Motion to Modify a ruling by the Commissioner or Clerk may be subject to review"

Flores MOved the Appellate Court to Modify Commissioner's ruling however the Court denied motion. It is well settled that "the Court of Appeals decision on the Motion is reviewable by the Supreme Court" See Fox v Sunmaster Prods. inc, 115 Wn.2d 498, 798 P.2d 808 (1990)

Additionally in support of this motion RAP 2.5 (a)(1) "A party may raise for the first time in the Appellate Court, (1) LACK OF JURISDCITION" A trial Courts Lack of Jurisdiction may be raised for the first time on Appeal SEE. In re Estate of Alsup, 181 Wn.App. 856, 868, 327 P.3d 1266 (2014)

It is a undisputed and Conceded fact that the Superior Court lacks Jurisdiction to Collect legal financial obligations and Interest from Petitioner.

Discretionary review...2

COMMISSIONER'S RULING IS CONTRARY TO SUPREME COURT PRECEDENT

Flores argues the Trial court accepted the State's argument that it is not attempting to collect, However that was not what Flores brought before the Superior Court.

Flores argued the Lack of Jurisdiction and waiver of Interest and to simply Correct his judgment and sentence reflecting this fact.

The Superior Court and Court of Appeals Ignored the State's concession of this fact.

This Supreme Court in State v Blazina, 182 Wn.2d 827, 344 P.3d 680 (2015) had already rejected the State's argument that a challenge to legal financial obligations cannot be made until the State initiates enforcement Id at 832 n.1

Division two recognized this fact, however in Flores case, the Court of Appeals division two ignored Supreme precedent in Blazina and for that matter it's own ruling in State v Shirts, 195 Wn. App. 849, 381 P.2d 1233 (2016)

In Support of Flores argument Division Three holding in State v Wilson, 198 Wn. App. 632 (2017) adopted division two holding and respected Supreme Court precedent and ruled that way.

A pertinent question of law here is Is Mr. Flores Judgment and Sentence correct? given the fact his LFO's have expired and Interest is still accruing contrary to law.

A simple solution of directing the Superior Court to reissue a corrected Judgment and sentence omitting costs and Interest

Discretionary review...3

Court's direction, that the Superior Court does not retain jurisdiction to collect on Mr. Flores' legal financial obligations.

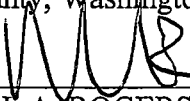
However, the State takes the position that at the time the Court of Appeals ruled on January 4, 2017 the superior court's jurisdiction to collect Mr. Flores's legal financial obligations had not expired. The order extending jurisdiction pursuant to RCW 9.94A.760(4) indicated that the court's original jurisdiction expired on January 13, 2007 and that it was extending jurisdiction for 10 additional years. That then would extend the court's jurisdiction until January 13, 2017. So at the time of the Court of Appeals' ruling on January 4, 2017, the Superior Court retained 9 days of jurisdiction. As of the writing of this response, however, the Superior Court retains no jurisdiction by operation of statute, and the Superior Court is not authorized to collect legal financial obligations from Mr. Flores under this cause number.

DATED this 7<sup>th</sup> day of December, 2017.

Respectfully submitted:

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

By:

  
RACHAEL A. ROGERS, WSBA #37878  
Senior Deputy Prosecuting Attorney  
OID# 91127

SUPERIOR COURT FOR THE STATE OF WASHINGTON  
COUNTY OF CLARK

STATE OF WASHINGTON,  
PLAINTIFF

v-s

Andrew Flores  
defendant

NO 96-1-01543-8

Supreme Court NO. 94094-1

Court of Appeals NO. 493675-II

Motion AND ORDER Waiving Legal  
Financial obligations AND INTEREST

I. MOTION

The undersigned requests the Court to grant an order that waives  
ALL legal financial obligations AND INTEREST. This Motion is  
based on RCW 10.01.160; RCW 9.94A.145(4), (modified to RCW  
9.94A.760 AND RCW 10.82.090

DATED 16<sup>th</sup> day of MARCH, 2018

Andrew Flores  
ANDREW FLORES, 974029

II Declaration/Relief

I AM the defendant in the above action and declares:

2a. THE STATE NO longer HAS Jurisdiction to Collect legal  
Financial obligations AND INTEREST From defendant

Motion AND ORDER Waiving  
Legal financial obligations  
AND INTEREST

2.2 I AM ASKING THE COURT TO WAIVE ALL LEGAL FINANCIAL OBLIGATIONS AND INTEREST.

### III Grounds

3.1 THE STATE, ON DECEMBER 7, 2017 CONCEDED THE FACT THAT THE COURT'S JURISDICTION HAS EXPIRED AND THAT THE COURT IS NO LONGER AUTHORIZED TO COLLECT LEGAL FINANCIAL OBLIGATIONS AND INTEREST.

### IV. ORDER

IT IS ORDERED:

4.1 THE COURT GRANTS DEFENDANT'S MOTION AS FOLLOWS:

4.2 THE COURT WAIVES/REITS ALL OF DEFENDANT'S LEGAL FINANCIAL OBLIGATIONS AND INTERESTS.

4.3 THE COURT DIRECTS THE DEPARTMENT OF CORRECTIONS TO IMMEDIATELY CEASE AND DESIST COLLECTING ALL FINANCIAL OBLIGATIONS AND INTERESTS FROM DEFENDANT.

DATED

Presented by:  
Andree Flores 924029  
Andree Flores

Judge

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

ANDREW MICHAEL FLORES,

Appellant.

No. 51888-1-II

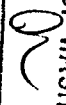
RULING RECALLING MANDATE

**THIS MATTER** comes before the undersigned upon a motion by the Court to recall the mandate issued in the above-entitled matter on September 20, 2018, based on a timely motion for discretionary review being filed in the Supreme Court. Accordingly, it is

**ORDERED** that the mandate in the above-entitled matter is recalled.

DATED this 21<sup>st</sup> day of September, 2018.

  
COURT CLERK

FILED  
COURT OF APPEALS  
DIVISION II  
2018 SEP 21 AM 9:31  
STATE OF WASHINGTON  
BY   
DEPUTY

Rachael Rogers  
Clark County Prosecuting Attorney's Offi  
PO Box 5000  
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Andrew Flores  
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Airway Heights Corrections Center  
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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

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ANDREW MICHAEL FLORES,

Appellant.

No. 51888-1-II

RULING DISMISSING APPEAL

Because Appellant's legal financial obligations have now expired and the State cannot collect on them, his appeal from the order denying his motion to remit them is dismissed as moot. Accordingly, it is

**SO ORDERED.**

DATED this 13<sup>th</sup> day of June, 2018.

EB Shuman  
COURT COMMISSIONER

BY DEPUTY

STATE OF WASHINGTON

2018 JUN 13 AM 10:22

FILED  
COURT OF APPEALS  
DIVISION II

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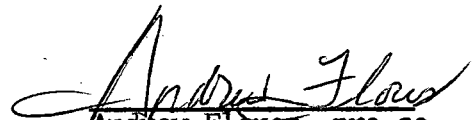
DECLARATION OF SERVICE

I, Andrew Flores certify under penalty of perjury under the laws of the State of Washington that on the date below I did the following:

On the 11th day of the ninth month, 2018 I mailed by regular mail, U.S. Mail, postage perpaid a true copy of the Motion for Discretioanry review, mailed to

The Temple of Justice  
The Supreme Court of Washington  
PO BOX 40929  
Olympia, Wash 98504-0929

DATED THIS 11th DAY OF September, 2018

  
Andrew Flores, pro se