

NO. 48651-2-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON,

Respondent,

v.

ALLEN BAKER,

Appellant.

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

The Honorable Nelson Hunt, Judge

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1a. To the extent the trial court found Allen Chagluak Baker able to pay discretionary legal financial obligations (LFOs), its finding was error.

1b. The trial court failed to make an adequate inquiry into Baker's financial resources and current and future ability to pay before imposing discretionary LFOs..

2. The trial court erred in imposing a \$200 criminal filing fee pursuant to RCW 36.18.020(2)(h) without considering Baker's ability to pay this LFO.

Issues Pertaining to Assignments of Error

1a. Did the trial court exceed its statutory authority under RCW 10.01.160(3) when it imposed discretionary LFOs without making adequate inquiry into Baker's financial resources and current and future ability to pay?

1b. Was Baker's trial counsel ineffective for failing to object to the imposition of discretionary LFOs and for failing to ensure the trial court engaged in an adequate analysis into Baker's financial resources and current and future ability to pay?

2. Is the \$200 criminal filing fee a discretionary LFO that requires consideration of financial circumstances and ability to pay before imposition?

B. STATEMENT OF THE CASE

The State charged Baker with third degree assault against Centralia police officer John Mercer. CP 1-2, 25-26.

On November 30, 2015, Mercer was dispatched to a report of an assault in Centralia and detained Baker because he matched the suspect's description. RP 28-29. Mercer detained Baker, determined Baker had been drinking, and testified Baker "was cussing" Mercer out. RP 31-33. According to Mercer, Baker initially refused to get into the backseat of the patrol car but then suddenly "just dove into the seat." RP 33-34. Mercer testified Baker's "right leg went into where you would put your legs, not into the seat but where you would put your legs, and then kicked back towards [Mercer's] face" RP 35. Mercer said, "His heel struck the brim of my hat, and the inside part of his insole scraped across my high cheek." RP 35.

Because of this supposed "donkey kick" that cocked Mercer's hat to the side—"gangster style," in Mercer's words—Mercer placed Baker under arrest for assault. RP 36-37.

Baker testified. He stated that his leg got caught on the edge of the seat and slipped, causing his feet to swing up overhead and make contact with Mercer. RP 61-62. Baker explained his shoes were old and worn, and thus lacked traction because he was homeless and did not have the money to

purchase new shoes. RP 61. Baker denied that he intended to hurt Mercer or that he cursed at Mercer or called him names. RP 62, 67.

The jury found Baker guilty as charged. CP 24; RP 110-12.

The trial court imposed a sentence of 38 months and a community custody term of 12 months. CP 34-35; RP 119-20.

Defense counsel did not explicitly object to the imposition of LFOs but stated Baker was “unemployed and receives assistance from the state in the form of food stamps but is potentially employable upon his release.” RP 118. The trial court then asked Baker,

Mr. Baker, I have two questions to ask you, and the first has to do with your financial situation and your ability to earn a living once you get out of custody.

Is there anything about you emotionally, physically, mentally, financially, whatever, that would prevent you from being able to pay your financial obligations if I set them at a reasonable rate, say, \$25 a month?

RP 118. Baker responded, “I would say not. I don’t believe so, sir.” RP 118.

The trial court, per the State’s recommendation, imposed a \$500 victim penalty assessment, \$1,200 for court-appointed counsel, \$1,000 for jail reimbursement, and a \$200 criminal filing fee. CP 36-37; RP 119. The trial court declined to impose a \$100 DNA collection fee because Baker’s DNA had been collected from a previous conviction. CP 37; RP 121. All LFOs imposed “shall bear interest from the date of the judgment until

payment in full, at the rate applicable to civil judgments.” CP 38. The court authorized the Department of Corrections to immediately issue a notice of payroll deduction and ordered Baker to begin payments at \$10 per month commencing from the date of the judgment and increased the payments to \$25 per month following release from custody. CP 37; RP 119-20.

Baker timely appeals. CP 43.

C. ARGUMENT

1. THE TRIAL COURT’S INQUIRY INTO BAKER’S FINANCIAL CIRCUMSTANCES WAS INADEQUATE TO SATISFY RCW 10.01.160

The trial court attempted to make an inquiry into Baker’s financial circumstances, directly asking Baker whether there was anything about him “emotionally, physically, mentally, financially, whatever” that would prevent him from paying “financial obligations” “at a reasonable rate,” “\$25 a month.” RP 118. However, this inquiry fell short of satisfying the strictures of RCW 10.01.160(3) for several reasons.

RCW 10.01.160(3) provides,

The court shall not order a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

This statute is mandatory: “it creates a duty rather than confers discretion.”

State v. Blazina, 182 Wn.2d 827, 838, 344 P.3d 680 (2015) (citing State v.

Bartholomew, 104 Wn.2d 844, 848, 710 P.2d 196 (1985)). “Practically speaking . . . the court must do more than sign a judgment and sentence with boilerplate language stating that it engaged in the required inquiry. The record must reflect that the trial court made an individualized inquiry into the defendant’s current and future ability to pay.” Id. (emphasis added). “Within this inquiry, the court must also consider important factors . . . such as incarceration and a defendant’s other debts . . . when determining a defendant’s ability to pay.” Id. (emphasis added).

The Blazina court also instructed courts engaged in this inquiry to “look to the comment in court rule GR 34 for guidance.” Id. The court explained that, “under the rule, courts must find a person indigent if the person establishes that he or she receives assistance from a needs-based, means-tested assistance program, such as Social Security or food stamps.” Id. Under GR 34, courts must also “find a person indigent if his or her household income falls below 125 percent of the federal poverty guideline.” Id. at 838-39. “[I]f someone does meet the GR 34 standard for indigency, courts should seriously question that person’s ability to pay LFOs.” Id. at 839 (emphasis added).

The catalyst for clarifying and emphasizing the mandates of RCW 10.01.160(3) was the Blazina court’s recognition that our “broken” LFO system creates a permanent underclass of Washington citizens. 182 Wn.2d

at 835-37. This underclass is created in large part because of the outrageously high, compounding interest rate of 12 percent. Id. at 836.

Many defendants cannot afford these high sums and either do not pay at all or contribute a small amount every month. But on average, a person who pays \$25 per month toward their LFOs will owe the state more after 10 years conviction than they did when the LFOs were initially assessed. Consequently, indigent offenders owe high LFO sums than their wealthier counterparts because they cannot afford to pay, which allows interest to accumulate and to increase the total amount that they owe. The inability to pay off the LFOs means that courts retain jurisdiction over impoverished offenders long after they are released from prison because the court maintains jurisdiction until they completely satisfy their LFOs. The court's long-term involvement in defendants' lives inhibits reentry: legal or background checks will show an active record in superior court for individuals who have not fully paid their LFOs. This active record can have serious negative consequences on employment, on housing, and on finances. LFO debt also impacts credit ratings, making it more difficult to find secure housing. All of these reentry difficulties increase the chances of recidivism.

Id. at 836-37 (citations omitted). And, in spite of the imposition of LFOs, the government does not collect much: “for three quarters of the cases sentenced in the first two months of 2004, less than 20 percent of LFOs had been paid three years after sentencing.” Id. at 837. In addition, there are “[s]ignificant disparities” in the administration of LFOs: “drug-related offenses, offenses resulting in trial, Latino defendants, and male defendants all receive disproportionately high LFO penalties.” Id. It was in light of these problematic consequences—the very real creation of a permanent

underclass—that prompted our supreme court to require meaningful, on-the-record compliance with RCW 10.01.160(3)’s language.

Although the trial court might have attempted to comply with its compulsory duties under Blazina and RCW 10.01.160, its efforts fell short. The trial court asked Baker whether there was anything about him “emotionally, physically, mentally, financially, whatever” that would prevent him from being able to pay LFOs, assuming that the rate was “reasonable.” RP 118. This inquiry of Baker might have been a good starting point, but it was not sufficient. The inquiry did not “take account of the financial resources of the defendant” or the “burden that payment of costs will impose.” RCW 10.01.160(3).

When it imposed LFOs, the trial court had just heard that Baker was unemployed and received government assistance in the form of food stamps. RP 118. Baker testified during trial that he was homeless and could not afford basic necessities as a result. RP 61. The trial court also heard that Baker had been diagnosed with anxiety disorder. RP 68-69. In this context, asking Baker whether there was anything “emotionally, physically, mentally, financially, whatever” that would prevent him from being able to pay LFOs was inadequate to comply with RCW 10.01.160(3). The trial court’s single question did not take account of Baker’s financial resources, such as Baker’s other debts and the burden of incarceration. See Blazina, 182 Wn.2d at 838.

To comply with the statutory requirements the trial court was required to consider Baker's homelessness, mental illness, and the fact that Baker likely owed a significant amount of LFOs from other matters dating back to 1994. CP 27-28. The trial court did not consider any of this. Its inquiry was inadequate.

Nor did the trial court follow Blazina's instruction to look to GR 34 for guidance. 182 Wn.2d at 838-39. GR 34 specifies that persons who receive "assistance under a needs-based, means-tested assistance program such as" food stamps, "shall be determined to be indigent." GR 34(a)(3)(A)(v). A person whose household income is at or below 125 percent of the federal poverty level also "shall be determined to be indigent." GR 34(a)(3)(B). Baker received food stamps. RP 118. Baker had no household or any income from any source. RP 16; Appendix¹ at 3. He had no assets, no savings account, no checking account, and no real or personal property of any kind. Appendix at 2-3. Had the trial court engaged in a GR 34 inquiry and "seriously question[ed]" Baker's ability to pay LFOs as Blazina instructed, the trial court would not have imposed \$2,400 in discretionary LFOs. The trial court failed to comply with RCW 10.01.160 or Blazina.

¹ Contemporaneously with filing this brief, Baker files a supplemental designation of clerk's papers to include the Motion for Order Authorizing Review at Public Expense. To facilitate this court's review, this motion is appended to this brief.

In addition, the trial court's question to Baker whether there would be anything preventing him from paying it set payments "at a reasonable rate, say \$25 a month," RP 118, fails to satisfy the RCW 10.01.160(3) inquiry because it misleadingly fails to account for compounding interest at an annual rate of 12 percent. "[O]n average, a person who pays \$25 per month toward their LFOs will owe the state more 10 years after conviction than they did when the LFOs were initially assessed." Blazina, 182 Wn.2d at 836. The trial court ordered that interest would accrue on the LFOs from the date of judgment. CP 38. The trial court apparently failed to appreciate that while \$25 per month sounds like a "reasonable rate," this rate actually subjects Baker to indefinite jurisdiction of Lewis County Superior Court. Had Baker understood this, he likely would have responded differently to the trial judge's question. Because the trial court's inquiry under RCW 10.01.160(3) was inadequate, this court should remand for resentencing.

Finally, the manner in which the trial court asked Baker whether anything would prevent him from paying inappropriately shirks the trial court's responsibility. It is not Baker's burden to show anything "emotionally, physically, mentally, financially," that prevents him from paying. It is the legislature's clear mandate that the trial court "take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose." RCW 10.01.160. Here, the trial court did

not do so. This court should remand so that the trial court may do what RCW 10.01.160 instructs.

The State might argue this court should not consider Baker's arguments under RAP 2.5 because he did not make them below. This court should reject this argument, just as the Blazina court did. See 182 Wn.2d at 834 ("National and local cries for reform of broken LFO systems demand that this court exercise its RAP 2.5(a) discretion and reach the merits of this case."). Moreover, RAP 1.2 expresses a clear preference to liberally interpret the rules of appellate procedure "to promote justice and facilitate the decision of cases on the merits." Given that the trial court imposed more than \$2,000 plus accumulating interest on an unemployed homeless man who qualifies for government programs based on his poverty, the refusal to consider Baker's claim would do the opposite of promoting justice and facilitating a decision on the merits. This court should review Baker's claim, vacate the LFO award, and remand for resentencing at which the trial court can fully comply with the strictures of RCW 10.01.160.

2. THE \$200 CRIMINAL FILING FEE IS NOT MANDATORY AND THE TRIAL COURT SHOULD HAVE INQUIRED INTO BAKER'S ABILITY TO PAY BEFORE IMPOSING IT

The trial court imposed a \$200 criminal filing fee. CP 36. Because this fee is discretionary, not mandatory, the trial court erred in imposing it

without first conducting an adequate inquiry into Baker's financial conditions and ability to pay.

RCW 9.94A.760 permits trial courts to order LFOs as part of a criminal sentence. However, RCW 10.01.160(3) prohibits imposing LFOs unless "the defendant is or will be able to pay them." To determine whether to impose LFOs, courts "shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose." RCW 10.01.160(3).

As discussed, the Blazina court held that RCW 10.01.160(3) requires trial courts to first consider an individual's current and future ability to pay before imposing discretionary LFOs. Blazina, 182 Wn.2d at 837-39. The record must reflect this individualized inquiry and should include at minimum the length of incarceration and other debts. Id. at 838.

This court has indicated that the \$200 criminal filing fee is mandatory, not discretionary. State v. Lundy, 176 Wn. App. 96, 102-03, 308 P.3d 755 (2013). Baker disagrees. The Lundy court provided no rationale or analysis of the statutory language supporting its conclusion that the fee is mandatory. See id.; see also State v. Stoddard, 192 Wn. App. 222, 225, 366 P.3d 474 (2016) (Division Three's mere citation to Lundy for proposition that filing fee must be imposed regardless of indigency without statutory analysis). Lundy was wrongly decided and the pernicious effects of LFOs

recognized in Blazina demonstrate the harmfulness of imposing discretionary LFOs without an adequate ability-to-pay inquiry. This court should therefore overrule Lundy's determination that the filing fee is a mandatory LFO. See In re Rights to Waters of Stranger Creek, 77 Wn.2d 649, 653, 466 P.2d 508 (1970) (stare decisis "requires a clear showing that an established rule is incorrect and harmful before it is abandoned").

The language of RCW 36.18.020(2)(h), which provides authority to impose a filing fee, differs from other statutes authorizing mandatory fees. For instance, the victim penalty assessment statute provides, "When any person is found guilty in any superior court of having committed a crime . . . there shall be imposed by the court upon such convicted person a penalty assessment." RCW 7.68.035 (emphasis added). This statute is unambiguous in its mandate that the assessment "shall be imposed." The same is true of the DNA collection fee statutes, which provides, "Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars." RCW 43.43.7541 (emphasis added).

RCW 36.18.020(2)(h) is not the same. It provides that, upon conviction, "an adult defendant in a criminal case shall be liable for a fee of two hundred dollars." (Emphasis added.) In contrast to the DNA collection and victim penalty assessment statutes—both of which demonstrate that the legislature knows how to unambiguously mandate the imposition of a legal

financial obligation—RCW 36.18.020(2)(h) does not mandate the imposition or inclusion of a \$200 criminal filing fee.

Nowhere in RCW 36.18.020(2)(h)'s language is the requirement that trial courts must impose the \$200 filing fee upon conviction. Although RCW 36.18.020(2) states that “[c]lerks of superior courts shall collect” the fee, the statute’s language does not indicate that the fee cannot be waived by a judge. Many superior courts never impose the \$200 filing fee. The \$200 filing fee is a discretionary LFO, not a mandatory one.

Moreover, being liable for a fee and being required to pay a fee are different things. “Liability” for a fee does not make the fee mandatory given that the term “liable” encompasses a broad range of possibilities, from making a person “obligated” in law to pay to imposing a “future possible or probable happening that may not occur.” BLACK’S LAW DICTIONARY 915 (6th ed. 1990). Thus, “liable” can mean a situation that *might* give rise to legal liability. At best, the statutory language is ambiguous as to whether it is mandatory. Under the rule of lenity, the statutory language must be interpreted in Baker’s favor. State v. Jacobs, 154 Wn.2d 596, 601, 115 P.3d 281 (2005).

This court should not adhere to Lundy, which contained no reasoning to support its conclusion that the criminal filing fee is mandatory. Our supreme court recently appeared skeptical that the \$200 filing fee was

mandatory. noting it has only “been treated as mandatory by the Court of Appeals.” State v. Duncan, ___ Wn.2d ___, ___ P.3d ___, 2016 WL 1696698, at *2 n.3 Apr. 28, 2016). That the court would identify those fees designated as mandatory by the legislature on the one hand, and then separately identify the criminal filing fee as one that has merely been *treated* as mandatory on the other, shows the supreme court sees a distinction. This court should not follow Lundy, but instead provide meaningful consideration of RCW 36.18.020(2)(h)’s language and hold that the criminal filing fee is a discretionary LFO.

In response, the State might argue that this court should decline to consider this argument because Baker did not specifically object to it at sentencing. However, as discussed above, RAP 2.5 provides that this court “may refuse to review any claim of error which was not raised in the trial court”—this court has ample discretion. And RAP 1.2 expresses a clear preference to liberally interpret the rules of appellate procedure “to promote justice and facilitate the decision of cases on the merits.” In light of Blazina’s call to address a “broken” LFO system, see 182 Wn.2d at 835, and the Washington Supreme Court’s recent acknowledgment in Duncan that it has never determined that the criminal filing fee is mandatory, this court should address Baker’s claim and decide it on the merits.

Baker asks this court to hold the criminal filing fee is a discretionary LFO and remand for resentencing so that the \$200 fee may be stricken from Baker's judgment and sentence.

3. APPELLATE COSTS SHOULD BE DENIED

In the event Baker does not prevail on appeal, any request by the State for appellate costs should be denied.

This court indisputably has discretion to deny appellate costs. RCW 10.73.160(1) ("The court of appeals . . . may require an adult offender convicted of an offense to pay appellate costs." (emphasis added)); State v. Sinclair, 192 Wn. App. 380, 388, 367 P.3d 612 (2016) (holding RCW 10.73.160 "vests the appellate court with discretion to deny or approve a request for an award of costs").

There are several reasons this court should exercise discretion and deny appellate costs.

a. Baker is presumed indigent throughout review

The trial court determined Baker was indigent, finding Baker "shall be allowed to appeal from the certain judgment and sentence and every part thereof . . . at public expense" CP 44. The trial court appointed appellate counsel pursuant to RAP 15.2, noting, "Payment for expenses of this appointment is authorized under contract with the Office of Public Defense." CP 45. In his motion for an order of indigency, Baker reported

no real or personal property, no income from any source, no savings or checking account, and also reported he was unemployed and received a food stamp benefit of \$194 per month. Appendix at 2-3. Based on the trial court's determination of indigency, Baker is presumed indigent throughout this review. RAP 15.2(f); Sinclair, 192 Wn. App. at 393 ("We have before us no trial court order finding that Sinclair's financial condition has improved or is likely to improve We therefore presume Sinclair remains indigent."). Accordingly, this court should presume Baker is indigent and deny any request by the State for appellate costs.

- b. Attempting to fund the Office of Public Defense on the backs of indigent persons when their public defenders lose their cases undermines the attorney-client relationship and creates a perverse conflict of interest

Furthermore, any reasonable person reading the order of indigency issued by the trial court would believe that Baker was entitled to an attorney to represent him on appeal at public expense and that Baker would pay nothing due to his indigency, win or lose. Under the current appellate cost scheme, however, this reasonable belief is incorrect and trial court indigency orders are falsehoods.

Because the courts do not do so, appellate defenders must explain to their indigent clients that if their arguments do not win the day, they will be assessed, at minimum, thousands of dollars in appellate costs. Unlike other

lawyers whose clients pay them, the client's ability to pay does not factor into an appellate defendant's representation of his or her client. Yet appellate defenders must still play the role of financial planner, hedging the strength of their arguments against the vast sums of money their clients will owe, and attempt to advise their clients accordingly. This undermines the attorney's fundamental role in advancing all issues of arguable merit on their clients' behalf and thereby undermines the relationship between attorney and client.

Not only do appellate defenders have to explain to clients they will face substantial appellate costs if their arguments are unsuccessful, they also have to explain that the Office of Public Defense gets most of the money. Many clients immediately see the perverse incentive this creates: The Office of Public Defense, through which all appellate defenders represent their clients, collects money only when the appellate defender is unsuccessful. This is readily apparent as a conflict of interest and undermines any appearance that the appellate cost scheme is fair. See RPC 1.7(a)(2) (a conflict exists where "there is a significant risk that the representation . . . will be materially limited . . . by a personal interest of the lawyer"): Wood v. Georgia, 450 U.S. 261, 268-70, 101 S. Ct. 1097, 67 L. Ed. 2d 220 (1981) (acknowledging conflict when interest of third part paying lawyer is at odds with client's interest); Winkler v. Keane, 7 F.3d 304, 308 (2d Cir. 1993)

(contingent fee in criminal case creates actual conflict of interest); United States v. Horton, 845 F.2d 1414, 1419 (7th Cir. 1988) (conflict of interest arises when defense attorney must “make a choice advancing his own interest to the detriment of his client’s interests”).

The current appellate cost system works as a contingent fee arrangement in reverse: rather than pay their attorneys upon winning their cases, indigent clients must pay the organization that funds their attorneys when they lose. Franz Kafka himself would strain to imagine such a design. The appellate cost scheme creates a perverse conflict of interest implicating the constitutional right to conflict-free counsel. This is a good reason to exercise discretion and deny costs.

c. The record establishes Baker is not able to pay thousands of dollars in appellate costs

The Sinclair court instructed parties to be “helpful to the appellate court’s exercise of its discretion by developing fact-specific arguments from information that is available in the existing record.” 192 Wn. App. at 392. There is significant information available in this record that compels a denial of appellate costs.

Before he was incarcerated for this conviction, Baker was unemployed, homeless, received government assistance in the form of food stamps, and could not pay for basic necessities, such as new shoes. RP 61,

118: Appendix at 3. Baker has no personal or real property, income from any source, and no money in any bank account. Appendix at 2-3. It is almost certain Baker has other criminal debt outstanding from his prior convictions. See CP 27-28. Under the circumstances, there is nothing in the record to support the conclusion that Baker is or ever will be able to pay thousands of dollars in appellate costs, let alone additional interest that compounds at an annual rate of 12 percent. This court should exercise discretion by denying any request by the State for appellate costs.

D. CONCLUSION

For the reasons stated, Baker asks this court to remand this matter to Lewis County Superior Court for resentencing.

DATED this 30th day of June, 2016.

Respectfully submitted,

NIELSEN, BROMAN & KOCH, PLLC



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APPENDIX

1
2
3 Rec'd & Filed
Lewis County Superior Court

4 JAN 27 2016

5 Kathy A. Brack, Clerk *tw*
6 By _____ Deputy *31*

7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

8 IN AND FOR THE COUNTY OF LEWIS

9 STATE OF WASHINGTON,

10 Plaintiff,

11 vs.

12 ALLEN BAKER,

13 Defendant.

14 CAUSE NO. 15-1-00646-21

15 MOTION AND DECLARATION FOR ORDER
16 AUTHORIZING THE DEFENDANT TO
17 SEEK REVIEW AT PUBLIC EXPENSE
18 AND PROVIDING FOR APPOINTMENT OF
19 ATTORNEY ON APPEAL

20 A. MOTION

21 COMES NOW the defendant and moves the Court for an order
22 allowing the defendant to seek review at public expense and
23 providing for appointment of attorney on appeal. This motion is
24 based on RAP 2.2(a)(1) and is supported by the following
25 declaration.

26 DATED this 27 day of January, 2016.

ENBODY, DUGAW & ENBODY

B. Gerhart
BRIAN J. GERHART, WSBA #44283
Attorney for Defendant

B. DECLARATION

I was tried and convicted of Assault in the Third Degree before the Honorable Hunt. A judgment and sentence was entered in this matter on January 27, 2016. I desire to appeal the conviction and the judgment imposed. I believe that the appeal has merit and is not frivolous and make the following assignments of error: Each and every part of my conviction and any other issues raised by appellate counsel after review of the case; _____

I have previously been found to be indigent. The following declaration provides information as to my current financial status:

- 1) That I am the defendant in the above-captioned cause;
- 2) That I do not own any real estate;
- 3) That I do not own any stocks, bonds, or notes;
- 4) That I am not the beneficiary of a trust account or accounts;
- 5) That I own the following motor vehicles or other substantial items of personal property:

<u>ITEM</u>	<u>VALUE/AMOUNT OWED ON ITEM</u>
<u>N/A</u>	_____
_____	_____
_____	_____

- 6) That I do not have income from interest or dividends;
- 7) That I have approximately \$0.00 in checking accounts, \$0.00 in savings accounts, and \$0.00 in cash;

1
2 17) I certify that review is being sought in good faith. I
3 designate the following parts of the record which are
4 necessary for review:

5 () Pre-Trial Hearings Date(s) _____
6 Judge(s) _____
7 (X) Trial, excluding Date(s) 01/26/2016
8 _____ Judge(s) Hunt
9 () Hearing on Post-Trial Date(s) _____
10 Motions Judge(s) _____
11 () Sentencing Hearing(s) Date(s) _____
12 Judge(s) _____
13 () Other Date(s) _____
14 _____ Judge(s) _____

15 18) That the foregoing is a true and correct statement of my
16 financial position to the best of my knowledge and
17 belief.

18 For the foregoing reasons, I request the Court to authorize me
19 to seek review at public expense, including, but not limited to,
20 all filing fees, attorney's fees, preparation of briefs, and
21 preparation of verbatim report of proceedings as set forth in the
22 accompanying order of indigency, and the preparation of necessary
23 clerk's papers.

24 I declare under penalty of perjury under the laws of the State
25 of Washington that the foregoing is true and correct.

26 SIGNED in Chehalis, Washington this 27 day of
January, 2016.


ALLEN BAKER, Defendant

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State V. Allen Baker

No. 48651-2-II

Certificate of Service

On June 30, 2016, I e-served and mailed the Brief of Appellant directed to:

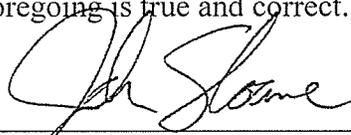
Sara Beigh
Lewis County Prosecuting Atty
Via Email per Agreement: appeals@lewiscountywa.gov
sara.beigh@lewiscountywa.gov

Allen Baker, 725209
Coyote Ridge Corrections Center
PO Box 769
Connell, WA 99326

Re Allen Baker

Cause No. 48651-2-II, in the Court of Appeals, Division II, for the state of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.



John Sloane
Office Manager
Nielsen, Broman & Koch

06-30-2016

Date

Done in Seattle, Washington

NIELSEN, BROMAN & KOCH, PLLC

June 30, 2016 - 12:36 PM

Transmittal Letter

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Case Name: Allen Baker

Court of Appeals Case Number: 48651-2

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: Appellant's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

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Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

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Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: John P Sloane - Email: sloanej@nwattorney.net

A copy of this document has been emailed to the following addresses:

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