

NO. 49319-5-II

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

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STATE OF WASHINGTON  
v.  
RICHARD HOWARD

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

The Honorable Bryan Chushcoff, Judge

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APPELLANT'S OPENING BRIEF

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A. ASSIGNMENTS OF ERROR

1. Mr. Howard did not make a knowing voluntary and intelligent waiver of his right to counsel where the court failed to engage him in a meaningful colloquy to explain the risks and disadvantages of proceeding pro se.

2. Mr. Howard was prejudiced by the court's reliance on a disputed offender score presented in violation of the three day notice provision under CrR 7.1(c)

3. The trial court abused its discretion by denying a motion to continue sentencing for Mr. Howard to prepare a manifest downward petition and to review his disputed offender score.

4. This Court should deny the state and award of legal financial costs for this appeal because Mr. Howard is presumed indigent.

Issues Presented on Appeal

1. Was it impossible for Mr. Howard to make a knowing voluntary and intelligent waiver of his right to counsel where the court failed to engage him in a meaningful colloquy to explain the risks and disadvantages of proceeding pro se?

2. Mr. Howard was prejudiced by the court's reliance on a disputed offender score presented in violation of the three day notice provision under CrR 7.1(c)

3. Did the trial court abuse its discretion by denying a motion to continue sentencing for Mr. Howard to prepare a manifest downward petition and to review his disputed offender score?

4. Should this Court should deny the state and award of legal financial costs for this appeal because the state has not established that Mr. Howard's indigence status has changed?

B. STATEMENT OF THE CASE

1. Trial Facts

Richard Howard was charged with assault in the fourth degree and unlawful imprisonment. CP 3-4. Howard was acquitted of the assault and convicted by a jury of the unlawful imprisonment. CP 73, 75. Brandy Wright and Richard Howard were involved in a romantic relationship and lived together for a short time. RP 350-51. Before the alleged unlawful imprisonment incident, Wright was

diagnosed with Parkinson's disease. RP 354-55, 379. The disease causes Wright to fall due to a lack of balance and to suffer from dementia like symptoms. RP 380-82, 396, 410, 484-85. Wright had to take a leave of absence as a home health care worker because she started falling at patient's homes. RP 386-87.

Wright was devastated after her incident and had said on multiple occasions that she would kill herself. RP 398-99. Wright is not sure if she repeated this threat on the day of the incident. RP 398. Wright's medications often impair her to such an extent that she does not want to move. RP 481. Wright's illness also impacts her memory and she has become forgetful which she finds stressful. RP 484-86.

On the day of the incident Wright was upset about her situation and her need to undergo physical therapy. RP 487-88. Howard often makes executive decisions in Wright's best interests and accompanies her to all of her medical appointments. RP 377, 395. On the day of the incident, Wright believed that Howard acted odd and out of character by mocking her, something he had never done before. RP 356.

Wright testified that Howard believed there was a general plot against him. RP 35. On the day of the incident, Wright believed that Howard was paranoid and yelled at the neighbors and asked Wright why she was trying to protect them. RP 356, 415. In response, based on Wright's life history, she packed a bag and decided to leave the house. RP 357. In response, Howard prevented Wright from leaving through the front door by standing in front and pulling Wright away. RP 357-361. Wright ran to the back bedroom and tried to exit out of a window, which she knew was unsafe due to her balance issues. RP 364, 437-38. Both Wright and Howard were yelling at each other and Wright did not listen to Howard. RP 362, 475.

Wright testified that she repeatedly told Howard to let her go. RP 363, 476. However, Wright testified that she never told Howard that she wanted to leave the house but believed that Howard should have just known this. RP 419. Howard and Wright had agreed that when they argued, Howard should hold Wright and tell her that he loved her. RP 405. Wright does not remember whether she specifically asked Howard to do this on the day of the incident.

RP 404. Normally Howard makes Wright's health a priority. RP 419. According to Wright, Howard did not let her leave the house for 20-30 minutes, but never took her telephone. RP 369, 374, 478.

Wright wanted to leave the house, yelled and scrambled about the house trying to get out through the front door, the back door and a window. RP 358 ,364-65, 484-85. Wright bit Howard in the chest, grabbed Howard's testicle and shoved him. RP 426, 431. To diffuse frustration, Howard struck his head on a door. RP 341-42, 367-68. Howard never struck Wright and never tried to hurt her. RP 342, 368, 432.

## 2. Waiver of Counsel

The trial court did not engage Howard in a colloquy regarding his right to proceed pro se but rather made the following statements to Howard.

When you have a skilled and experienced prosecutor opposing you, you don't get any particular leniency from the Court in enforcement of the Rules of Evidence and the Rules of Civil Procedure. So when we are talking about one thing and you wander off and want to start talking about something else, speedy trial in this case, that leads me to conclude that you are not able to track what is going on.

....

Well., I believe that you're competent to stand trial. That's not the issue here. But whether you have any ability to really maintain a legitimate defense and a thoughtful defense when you are dealing with a prosecutor with many years of experience and years of legal training is the concern that I have. And it's a concern about your due process rights because the scales are not balanced in your favor under that sort of a match up. The Court will not be giving you any special dispensation. The Court will not be giving you any legal advice. The Court will not be changing the rules simply because you are an unrepresented person. You will be held to the same standards as everybody else

RP 7-9.

3. Sentencing Denial of Request for Continuance

The sentencing hearing commenced ten days after the verdict was entered, and 2 days after the state sent Mr. Howard his disputed offender score. RP 611, 614-45. Mr. Howard objected to the state violating CrR 7.1 by failing to provide 3 days to review the disputed offender score. Id. Mr. Howard requested a brief continuance to research and prepare a memorandum in support of an exceptional sentence downward. RP 591-96. The court informed Mr. Howard that he could make an immediate verbal request for a

downward departure even though the court understood Mr. Howard's need to conduct research. RP 592, 595. The Court instructed Mr. Howard to read from the list of mitigating factors in the statute, RCW 9.94A.535. RP 595. Mr. Howard explained that with the assistance of counsel he had prevailed in obtaining a downward departure on a prior case. RP 595.

Mr. Howard insisted that he needed to do his "homework" and was more comfortable presenting his request in writing but agreed that the court could defer to the complaining witness. RP 594-96. The court agreed to hear from Ms. Wright before deciding the motion to continue. RP 596.

Ms. Wright explained: that she never intended for Mr. Howard to be arrested; that she just wanted Mr. Howard removed; that Mr. Howard is not "mean"; that he is "patient; but on the date of the incident his behavior was "unusual". RP 597-98. The court did not ask Ms. Wright if she had any issue with continuing sentencing.

Ms. Wright spoke very highly of Mr. Howard's general good care and explained that the incident was out of character. RP 597-98. Mr. Howard explained that Ms. Wright threatened to kill herself

and he was trying to keep her safe. Mr. Howard did not harm or strike Ms. Wright, who kicked Mr. Howard in the testicles and bit him. RP 602-04. The prosecutor agreed that Mr. Howard had untreated mental health issues that were part of his mitigating circumstances. RP 600.

4. Legal Financial Appellate Costs.

The trial court entered an order of indigency for Howard's trial and another for pursuing his appeal. CP 83-84. The state never presented any evidence to suggest that Mr. Howard's financial situation has changed.

The prosecutor discussed and acknowledged Mr. Howard's untreated mental health issues as a mitigating factor. RP 60. The court believed that Mr. Howard has mental health issues in the form of a personality disorder, but imposed a standard range sentence. RP 620-22.

5. Mental Health Issues.

Prior to trial, Mr. Howard was evaluated for competency at Western State Hospital. RP 4-5; CP 17-18, 21-30. Mr. Howard was diagnosed with Antisocial Personality Disorder, an Unspecified

Other Psychotic Disorder, which results in “volatility, Paranoid delusions, and ‘grossly impaired insight’”. CP 17-18, 21-30. Mr. Howard was determined competent to stand trial. RP 5.

This timely appeal follows. CP 82.

C. ARGUMENTS

1. WITHOUT AN ADEQUATE ADVISEMENT OF RIGHTS, MR. HOWARD’S DECISION TO PROCEED PRO SE WAS NOT KNOWING, VOLUNTARY AND INTELLIGENT.

A criminal defendant cannot make knowing, voluntary and intelligent waiver of his right to counsel without understanding the maximum possible penalties. *State v. Silva*, 108 Wn. App. 536, 539, 541, 31 P.3d 729 (2001). Howard was never advised of the maximum possible penalties in this case. RP 7-11.

The state and federal constitutions guarantee a criminal defendant both the right to counsel and the right to self-representation. United States Const. Amends. VI, XIV; Wash. Const. art. I, § 22; *Farretta v. California*, 422 U.S. 806, 819, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975); *State v. Luvene*, 127 Wn.2d 690, 698, 903 P.2d 960 (1995).

A criminal defendant who wants to waive the right to counsel and proceed pro se must make an affirmative demand. *Luvone*, 127 Wn.2d at 698. The waiver must be unequivocal. *Silva*, 108 Wn. App. at 539.. Once the defendant makes an unequivocal request to proceed pro se the “trial court must establish that a pro se defendant who has relinquished his or her right to counsel made a knowing and intelligent waiver.” *State v. Bebb*, 108 Wn.2d 515, 525, 740 P.2d 829 (1987).

“There is no formula for determining a waiver’s validity, but the preferred method is a court’s colloquy with the accused on the record detailing at a minimum the seriousness of the charge, the possible maximum penalty involved, and the existence of technical, procedural rules governing the presentation of the accused’s defense.” *Silva*, 108 Wn. App. at 539. (footnote omitted).

“Whether the waiver is valid lies within the sound discretion of the trial court, who should indulge every presumption against a valid waiver.” *Id.* The inquiry into a knowing, voluntary and intelligent waiver of counsel requires the court to determine if the defendant at the time the waiver is made, had a state of mind to

support the knowledge prong. *State v. Modica*, 136 Wn. App. 343, 445, 149 P.3d 446 (2006) *affirmed on other grounds*, 164 Wn.2d 83, 186 P.3d 1062 (2008) (citing, *United States v. Erskine*, 355 F.3d 1161, 1169-70 (9<sup>th</sup> Cir. 2004)). Additionally, a defendant must accurately understand the penalty at the time the waiver is made, not at a later time. *Modica*, 136 Wn. App. at 445.

In *Silva*, based on the limited colloquy, Silva could not validly waive his constitutional right to assistance of counsel because Silva was never advised of the maximum possible penalties for the crimes with which he was charged. *Silva*, 108 Wn. App. at 539. The Court held that absent this critical information, Silva could not make a knowledgeable waiver of his constitutional right to counsel.” *Silva*, 108 Wn. App. at 541. The Court specifically held that “even the most skillful of defendants cannot make an intelligent choice without knowledge of all facts material to the decision.” *Id.* The court also held that the right to counsel is so fundamental to the right to a fair trial that any deprivation of it cannot be treated as harmless error. *Silva*, 108 Wn. App. at 542.

*Silva* controls the outcome of this case and requires this

Court determine that Mr. Howard was unable to make a knowing voluntary and intelligent waiver of his right to counsel. Here, the court did explain that it would not assist Howard; that Howard would be held to the same standards as the prosecutor; and that the prosecutor was experienced, tipping the balance of fairness away from Howard. RP 7-9 (June 29, 2016). <sup>1</sup>The court did not however inform Howard of the possible maximum penalties involved. Accordingly, under *Silva*, this is reversible error. *Silva*, 108 Wn. App. at 541. To remedy this error, this Court must reverse and remand for a new trial. *Id.*

2. THE TRIAL COURT ABUSED ITS DISCRETION UNDER CrR 7.1 BY DENYING A MOTION TO CONTINUE FOR MR. HOWARD TO RESPOND TO NEW, DISPUTED SENTENCING EVIDENCE AND TO PREPARE A MOTION FOR AN EXCEPTIONAL DOWNWARD DEPARTURE.

Mr. Howard received two days' notice of his disputed offender score. RP 614-15. Mr. Howard asked for a continuance to

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<sup>1</sup> RP refers to the trial proceedings unless followed by a specific date, such as here indicating the pretrial hearing.

address the offender score and to prepare a motion for an exceptional sentence downward. RP 591-94, 611, 612-15.

a. Abuse of Discretion

The decision to grant or deny a motion for a continuance rests within the sound discretion of the trial court. *State v. Downing*, 151 Wn.2d 265, 272, 87 P.3d 1169 (2004); *Sastrawidjaya v. Mughal*, \_\_\_Wn. App.\_\_\_\_, 384 P.3d 247, 249 (2016); *In re Welfare of R.H.*, 176 Wn. App. 419, 424, 309 P.3d 620 (2013). This Court will reverse a trial court's decision when the petitioner makes a clear showing that the trial court's discretion is manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons." *Downing*, 151 Wn.2d at 272-73 (citing *State ex re. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971), *superseded on other grounds* by RCW 71.05.390)); *Sastrawidjaya*, 384 P.3d at 249; *R.H.*, 176 Wn. App. at 425. The defendant must also establish that he was prejudiced by the trial court's denial of the request for a continuance. *State v. Hertzog*, 69 Wn. App. 521, 524-25, 849 P.2d 1235 (1993) *review denied* 122 Wn.2d 1021 (1993).

A “trial court necessarily abuses its discretion when basing its decision on an erroneous interpretation of the law or applying an incorrect legal analysis. *Sastrawidjaya*, 384 P.3d at 249. Similarly, a failure to exercise discretion is an abuse of discretion. *State v. Garcia-Martinez*, 88 Wn. App. 322, 330, 944 P.2d 1104 (1997). This Court reviews de novo the interpretation of court rules. *Sastrawidjaya*, 384 P.3d at 250.

Recently this Court held that a trial court abused its discretion in violation of CR 26. *Id.* Under the guise of, and contrary to CR 26, the trial court ordered *Sastrawidjaya* to sign a medical release to provide discovery to Mughal. *Sastrawidjaya*, 384 P.3d at 250. CR 26 does not however authorize a trial court to order a party to sign a medical release. *Id.* Accordingly, this Court held that the trial court abused its discretion by mis-applying the law. *Sastrawidjaya*, 384 P.3d at 251.

b. New Evidence.

Under CrR 7.1 the trial court was required to give Mr. Howard three (3) days to review his offender score. CrR 7.1(c). CrR 7.1(c) provides:

**(c) Notice of New Evidence.** At least 3 days before the sentencing hearing, defense counsel and the prosecuting attorney **shall** notify opposing counsel and the court of any part of the presentence report that will be controverted by the production of evidence.

Id. (Emphasis added). Our State Supreme Court in *State v. Garza*, 123 Wn.2d 885, 890, 872 P.2d 1087 (1994) held that “CrR 7.1(c) is mandatory and **“requires”** the 3 day notice. *Garza*, 123 Wn.2d at 890.

Mr. Howard preserved this error for review by making a timely objection. RP 591-94, 611, 612-15. *Garza*, 123 Wn.2d at 890; n.5.

*Sastrawidjaya* requires the court to correctly apply court rules and held that the failure to do so is an abuse of discretion. In Mr. Howard’s case, the trial court abused its discretion in a manner similar to *Sastrawidjaya*.

In this case, in violation of CrR 7.1, the state did not provide Mr. Howard with its version of his offender score until two days before the sentencing hearing. RP 614-15. CrR 7.1 is mandatory not discretionary, accordingly the trial court was “required” to grant a continuance to meet the three day standard. Id. The trial court’s

denial of the continuance was an abuse of discretion because it was contrary to the law. *Sastrawidjaya*, 384 P.3d at 249-51.

The remedy is to reverse and remand for a new sentencing hearing. *Sastrawidjaya*, 384 P.3d at 251-52.

c. Denial of Motion to Continue.

Mr. Howard requested a brief continuance to research and prepare a memorandum in support of an exceptional sentence downward. RP 591-96. The court understood the need for Mr. Howard to research the issues, and understood that with the assistance of counsel, Mr. Howard was successful in the past in obtaining a downward departure. RP 592, 595. The Court denied Mr. Howard's request for a continuance and told him to just read from the list of mitigating factors in RCW 9.94A.535. RP 595.

Mr. Howard agreed to forgo a continuance if Ms. Wright did not want the sentencing continued. RP 594-96. The court agreed to hear from Ms. Wright before deciding the motion to continue. RP 596. The court denied the continuance without asking Ms. Wright if she had any issue with continuing sentencing.

Ms. Wright's statement at sentencing was very favorable and

supportive of Mr. Howard's excellent care giver abilities and explained that she explained that she never intended for Mr. Howard to be arrested. RP 597-98. Mr. Howard explained that Ms. Wright threatened to kill herself and he was trying to keep her safe. Mr. Howard did not harm or strike Ms. Wright who himself Mr. Howard in the kicked in the testicles and bit him. RP 602-04.

The prosecutor believed that Mr. Howard had untreated mental health issues that were part of his mitigating circumstances. RP 600. Ms. Wright had threatened suicide multiple times near the date of this incident. RP 389-99.

In *Hertzog*, the defendant asked for seven continuances during sentencing to permit the court to review a written neuropsychological report. *Hertzog*, 69 Wn. App. at 525. The report was to be submitted to refute the state's presentation of aggravating factors in support of an exceptional sentence upward. *Hertzog*, 69 Wn. App. at 525.

The Court of Appeals held that there was no abuse of discretion in continuing the motion because the trial court had considered the substance of the report even though the written

report had not been filed, which precluded a finding of prejudice. *Hertzog*, 69 Wn. App. at 525.

Here, sentencing took place less than ten days after the verdict and unlike in *Hertzog*, this was Mr. Howard's only request for a continuance. CP 72, 74, 81-105; RP 593-94. The trial court's denial of the continuance prevented Mr. Howard from presenting a compelling case in support of a downward departure because he did not have time to conduct research to prepare a memorandum in support of his request. If Mr. Howard had the opportunity to conduct research he would have been able to flash out the mitigating factors and provide case law in support of those factors which may have been adequate to prevail on his request for a downward departure.

The trial court did not articulate any good reasons for denying the continuance; Ms. Wright did not object; and the state just wanted to close this case because it had "plenty of things going". RP 593. The trial denied the motion stating, "I'm going to proceed with the sentencing". RP 598.

The trial Court abused its discretion because the denial appeared to be based on the prosecutor stating that he was busy.

Id. This was an untenable reason that no reasonable judge would have taken. Mr. Howard was prejudiced by the denial because he was unable to research and present an organized, coherent request. For these reasons, this Court should find that the trial court abused its discretion and reverse and remand for new sentencing.

3. THIS COURT SHOULD NOT IMPOSE  
APPELLATE COSTS ON APPEAL.

This Court has discretion not to allow an award of appellate costs if the state substantially prevails on appeal. RCW 10.73.160(1); *State v. Sinclair*, 192 Wn.2d 380, 388-89, 367 P.3d 612 (2016); *State v. Nolan*, 141 Wn.2d 620, 626, 8 P.3d 300 (2000). This Court should exercise its discretion and disallow appellate costs should the state substantially prevail.

The defendant's inability to pay appellate costs is an important consideration to take into account in deciding whether to disallow costs. *Sinclair*, 192 Wn.2d at 389. Here, the trial court determined that Howard is indigent and does not have the ability to pay legal financial obligations. CP 83-84.

The Rules of Appellate Procedure allow the State to request appellate costs if it substantially prevails. RAP 14.2. A

“commissioner or clerk of the appellate court will award costs to the party that substantially prevails on review, *unless the appellate court directs otherwise in its decision terminating review.*” RAP 14.2 (emphasis added). In interpreting this rule, our Supreme Court held that it allows for the appellate court itself to decide whether costs should be allowed:

Once it is determined that the State is the substantially prevailing party, *RAP 14.2 affords the appellate court latitude in determining if costs should be allowed*; use of the word “will” in the first sentence appears to remove any discretion from the operation of RAP 14.2 with respect to the commissioner or clerk, but *that rule allows for the appellate court to direct otherwise in its decision.*

*Nolan*, 141 Wn.2d at 626 (emphases added).

Likewise, the controlling statute provides that the appellate court has discretion to disallow an award of appellate costs. RCW 10.73.160(1). RCW 10.73.160(1) states, “[t]he court of appeals, Supreme Court, and superior courts *may* require an adult offender convicted of an offense to pay appellate costs.” (emphasis added). In *Sinclair*, this Court recently affirmed that the statute provides the appellate court with discretion to deny appellate costs, which the

Court should exercise in appropriate cases. *Sinclair*, 191 Wn.2d at 388-89.

Under *Sinclair*, when the defendant raises an objection to the imposition of LFO's, appellate courts are obligated to exercise discretion to approve or deny the state's request for costs. *Sinclair*, 191 Wn.2d at 388. Thus, "it is appropriate for this Court to consider the issue of appellate costs in a criminal case during the course of appellate review when the issue is raised in an appellate brief." *Sinclair*, 191 Wn.2d at 389.

Under RAP 14.2, the Court should exercise its discretion in a decision terminating review..." *Sinclair*, 191 Wn.2d at 389. The Court should deny an award of appellate costs to the state in a criminal case if the defendant is indigent and lacks the ability to pay. *Sinclair*, 191 Wn.2d at 388-89. The imposition of costs against indigent defendants raises problems that are well documented, such as increased difficulty in reentering society, the doubtful recoument of money by the government, and inequities in administration. *Sinclair*, 191 Wn.2d at 391 (citing *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015)). "It is entirely appropriate for

an appellate court to be mindful of these concerns.” *Sinclair*, 191 Wn.2d at 391.

In *Sinclair*, the trial court entered an order authorizing Sinclair to appeal in forma pauperis and to have appointment of counsel and preparation of the record at state expense, finding Sinclair was “unable by reason of poverty to pay for any of the expenses of appellate review,” and “the defendant cannot contribute anything toward the costs of appellate review.” *Sinclair*, 191 Wn.2d at 391. Given Sinclair’s poverty, combined with his advanced age and lengthy prison sentence, there was no realistic possibility he would be able to pay appellate costs. *Sinclair*, 191 Wn.2d at 393. Accordingly, the Court ordered that appellate costs not be awarded. *Id.*

Similarly here, the trial court again at the end of trial and a matter of months before the filing of the opening brief on appeal, determined that Howard was indigent for purposes of appeal. CP 83-84. During sentencing the trial court only imposed mandatory LFO’s which also support the court’s acceptance of Howard’s

indigent status and inability to pay discretionary LFO's. Mr. Howard's sentence is 51 months. CP 92-105.

Recently, this Court held that a trial court must inquire into ability to pay when a defendant has mental health issues *State v. Tedder*, 194 Wn. App. 753, 756, 378 P.3d 246 (2016); RCW 9.94A.777. RCW 9.94A.777 requires that a trial court determine whether a defendant who suffers from a mental health condition has the ability to pay any LFOs, mandatory or discretionary.

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution or the victim penalty assessment under RCW 7.68.035, a judge must first determine that the defendant, under the terms of this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

RCW 9.94A.777. This statute is not limited to legal financial

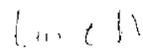
obligations at trial. During sentencing, the trial court here acknowledged that Howard suffers from significant untreated mental health issues. RP 620-22. Based on the mandatory language in RCW 9.94A.777, and due to Mr. Howard's mental health diagnosis and the fact that he is indigent and incarcerated, this Court should exercise its discretion to reach a just and equitable result and direct that no appellate costs be allowed if the state substantially prevails.

D. CONCLUSION

Mr. Howard respectfully requests this Court reverse and remand for a new trial, for a new sentencing and deny appellate costs.

DATED this 10<sup>th</sup> day of January, 2017.

Respectfully submitted,



LISE ELLNER  
WSBA No. 20955  
Attorney for Petitioner

I, Lise Ellner, a person over the age of 18 years of age, served the Pierce County Prosecutor at pcpatcecf@co.pierce.wa.us and Richard Howard/DOC#786304, Coyote Ridge Corrections Center, P.O. Box 769, Connell, WA 99326 a true copy of the document to which this certificate is affixed, on January 10, 2017 Service was made electronically to the prosecutor and via U.S. Mail to Richard Howard.

*Lise Ellner*

Signature

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**ELLNER LAW OFFICE**

**January 10, 2017 - 5:28 PM**

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Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: \_\_\_\_\_

**Comments:**

No Comments were entered.

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

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