

FILED
Court of Appeals
Division II
State of Washington
12/18/2018 8:00 AM

NO. 50070-1-II

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

STATE OF WASHINGTON

Respondent,

vs.

ANDREW MORRILL,

Appellant.

SUPPLEMENTAL BRIEF OF RESPONDENT RE: FILING FEES

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I. THE STATE CONCEDES DEFENDANT WAS INDIGENT AT THE TIME OF SENTENCING AND SHOULD BE GRANTED THE RELIEF REQUESTED AS TO HIS LEGAL FINANCIAL OBLIGATIONS

The State concedes Defendant was indigent at the time of sentencing in this matter. Without addressing whether the Trial Court correctly conducted a *Blazina* inquiry, the State agrees with Defendant’s analysis of whether he should be obligated to pay the filing fee in this matter.

The language of *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d 714 (2018), makes it clear that HB 1783, codified as RCW 36.18.020(2)(h), applies prospectively in situations as this.

We hold that House Bill 1783 applies prospectively to Ramirez because the statutory amendments pertain to costs imposed on criminal defendants following conviction, and Ramirez’s case was pending on direct review and thus not final when the amendments were enacted. 191 Wn.2d 732, 747.

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II. CONCLUSION

The present scenario with respect to the order to pay filing fees in the Judgment and Sentence are directly parallel to the situation in *Ramirez*. For that reason, the matter must be remanded for re-sentencing with a directive that the filing fee should not be imposed on Defendant.

Respectfully submitted this 17th day of December, 2018.



MICHAEL E. HAAS, WSBA #17663
Jefferson County Prosecuting Attorney
Attorney for Respondent

PROOF OF SERVICE

I, Laura Mikelson, declare that on this date:

I filed the State's BRIEF OF RESPONDENT electronically with the Court of Appeals, Division II, through the Court's online filing system. I delivered an electronic version of the brief, using the Court's filing portal, to:

Marie J. Trombley, WSBA #41410
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I declare under penalty of perjury of the laws of the State of Washington that the foregoing information is true and correct. Dated this 17th day of December, 2018, and signed at Port Townsend, Washington.


Laura Mikelson, Legal Assistant

JEFFERSON COUNTY PROSECUTING ATTORNEY'S OFFICE

December 17, 2018 - 5:03 PM

Transmittal Information

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