

**FILED
Court of Appeals
Division II
State of Washington
12/14/2018 12:24 PM**

NO. 50160-1-II

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

DIVISION II

STATE OF WASHINGTON,

Respondent,

vs.

WILLIAM GENE CANNING,

Appellant.

SUPPLEMENTAL RESPONDENT'S BRIEF

**RYAN JURVAKAINEN
Prosecuting Attorney
SEAN BRITTAIN/WSBA# 36804
Deputy Prosecuting Attorney
Representing Respondent**

**HALL OF JUSTICE
312 SW FIRST
KELSO, WA 98626
(360) 577-3080**

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I. ISSUE

1. Should the trial court's imposition of the \$200 criminal filing fee at sentencing be vacated in light of the recent amendments to the statutes addressing legal financial obligations?

II. SHORT ANSWER

1. Yes. The trial court's imposition of the \$200 criminal filing fee at sentencing should be vacated in light of the recent amendments to the statutes addressing legal financial obligations.

III. FACTS

The State agrees with the appellant's recitation of the facts in its supplemental brief.

IV. ARGUMENT

In light of State v. Ramirez, 426 P.3d 714 (2018), and House Bill 1783, the State agrees that the trial court's imposition of the \$200 criminal filing fee at sentencing should be vacated.

V. CONCLUSION

The case should be remanded back to the trial court to vacate trial court's imposition of the \$200 criminal filing fee.

Respectfully submitted this 13 day of December, 2018.

RYAN P. JURVAKAINEN
Prosecuting Attorney



SEAN M. BRITTAIN
WSBA #36804
Deputy Prosecuting Attorney
Representing Respondent

CERTIFICATE OF SERVICE

Michelle Sasser, certifies that opposing counsel was served electronically via the Division II portal:

Lisa E. Tabbut
Attorney at Law
P.O. Box 1319
Winthrop, WA 98862
ltabbutlaw@gmail.com

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Kelso, Washington on December 14th, 2018.

Michelle Sasser

Michelle Sasser

COWLITZ COUNTY PROSECUTING ATTORNEY'S OFFICE

December 14, 2018 - 12:24 PM

Transmittal Information

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