

FILED  
Court of Appeals  
Division II  
State of Washington  
12/1/2017 4:26 PM

NO. 50288-7-II

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

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STATE OF WASHINGTON,

Respondent,

v.

TOMAS KEEN,  
Appellant.

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

The Honorable Marilyn K. Haan, Judge

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BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. The trial court erred in imposing LFOs without first determining Keen's ability to pay.
2. The trial court erred in refusing to consider Keen's ability to pay prior to imposing LFOs.

Issues Presented on Appeal

1. Did the trial court err by imposing LFOs without determining Keen's ability to pay?
2. Did the trial court err in refusing to remit LFOs based on its mistaken belief that Keen's motion to remit was time barred?
3. Must this Court terminate Keen's LFOs where he has no ability to repay within a reasonable amount of time and the compounding effects of interest create an endless debtor crisis?
4. Did the trial court err in refusing to suspend interest on Keen's restitution debt?

B. STATEMENT OF THE CASE

a. Summary

Tomas Keen pleaded guilty to four separate charges spanning several years between 2007 and 2010. Tomas is a drug addict with a serious addiction problem. During sentencing, each

trial court imposed legal financial obligations (LFOs) without inquiring into Keen's ability to pay. CP 119-129, 504-514, 524-536, 546-563. The trial courts denied each of Keen's multiple motions to terminate LFOs.

This Court through a commissioner also denied a motion for discretionary review to address the merits of terminating LFOs. The trial courts all determined Keen to be indigent for trial and appellate purposes. Keen is incarcerated and serving a 240 month term. Keen's total restitution and LFO debt is several hundred thousand dollars. CP 4, 13-15, 40-41, 56-57, 121-22, 178, 354-62. Due to the compounding interest it is impossible to determine the precise amount of Keen's LFO debt.

This Court accepted review of Keen's motion to terminate LFOs on grounds that the trial court erroneously ruled that Keen's motion was time barred. CP 495-501, 515-521, 537-543, 555-561.

b. Cause No. 07-1-00506-1

Keen pleaded guilty to the charges under 07-1-00506-1. CP 102-109. The court imposed both discretionary and mandatory legal financial obligations (LFOs) without determining Mr. Keen's ability to pay, in the amount of \$850 which included a \$150

incarceration fee and \$200 criminal filing fee which exceeded \$1184.02 on February 18, 2010, due to interest, after Keen paid \$302.14. CP 13-14, 119-129. Keen's LFO debt increased to \$1193.95 by May 2010. CP 173. Keen's restitution amount for this cause number was \$5000 with \$1379 in interest accruing by January 2015. CP 182-84. In his March 24, 2015, motion for an order of indigency, Keen set forth \$151,461.56 in LFO and restitution debt to Cowlitz County Courts. CP 178.

The trial court determined Keen to be indigent for trial and appellate purposes. CP 196, 198-201, 224-225. The trial court denied Keen's motion to terminate LFOs. CP 208-213; 217.

This Court initially denied discretionary review on grounds that Keen's motion was time barred. CP 364-377, 396-401, 463, 474. A commissioner of this Court filed a conditional dismissal of Keen's notice of appeal due to lack of payment of a filing fee. CP 395. The trial court transferred the motion to remit LFOs to this Court as a Personal Restraint Petition. CP 460. Keen filed an affidavit in support of his motion asserting that he was indigent under GR 34, that he is serving a 240 month sentence, has mental disabilities, physical limitations, and little to no ability to work or pay

his LFOs. CP 208-13.

Keen, a dual citizen of the Netherlands, also petitioned the court to terminate LFOs so that he could petition to transfer to the Netherlands under the “International Transfer Treaty” so that he would not be left alone without family in the United States. CP 210-15. Washington DOC Policy 330.700 prohibits an inmate from petitioning for transfer while LFOs remain unpaid. CP 174-192, 208-15.

This Court ultimately accepted review. CP 515-521.

c. Cause No. 07-1-00435-9

Keen pleaded guilty to the charges under 07-1-00435-9. CP 3-10. The court imposed both discretionary and mandatory legal financial obligations (LFOs) without determining Mr. Keen’s ability to pay. RP 86-97; CP 504-14. The trial court denied Keen’s motion to terminate LFOs. CP 28, 68. The trial court determined Keen to be indigent for trial and appellate purposes. CP 34, 42-43, 48-49. The trial court denied Keen’s motion for discretionary review on grounds that his motion was time barred. CP 68.

A commissioner of this Court filed a conditional dismissal of Keen’s notice of appeal due to lack of payment of a filing fee. CP

36. The trial court transferred the motion to remit LFOs to this Court as a Personal Restraint Petition. CP 460. Keen filed an affidavit in support of his motion asserting that he was indigent under GR 34, that he is serving a 240 month sentence, has mental disabilities, physical limitation, no ability to work or pay his LFOs, and that his only family, his parents will be moving back to the Netherlands, where he will not be able to join them with outstanding LFOs. CP 23-25, 31, 39-41, 65-66.

This Court ultimately accepted review. CP 495-501.

d. Cause No. 08-1-00931-6

Keen pleaded guilty to the charges under 08-1-00931-6. CP 231-238. The court imposed both discretionary and mandatory legal financial obligations (LFOs) without determining Mr. Keen's ability to pay. CP 279-291, 524-36. The trial court denied Keen's motion to terminate LFOs on grounds that it was time barred. RP 86-87; CP 68, 307, 329, 335.

The trial court determined Keen to be indigent for trial and appellate purposes. CP 311-314, 336-37. Keen filed an affidavit in support of his motion asserting that he was indigent under GR 34, that he is serving a 240 month sentence, has mental disabilities,

physical limitation, no ability to work or pay his LFOs, and that his only family, his parents will be moving back to the Netherlands, where he will not be able to join them with outstanding LFOs. CP 297-305.

This Court ultimately accepted review. CP 537-543.

e. Cause No. 10-1-00182-1

Keen pleaded guilty to the charges under 10-1-00182-1. CP 438. The trial court imposed both discretionary and mandatory legal financial obligations (LFOs) of \$2123.69 without determining Mr. Keen's ability to pay. CP 354-362, 415-423. The trial court determined Keen to be indigent for trial and appellate purposes. CP 378-80, 478. The trial court denied Keen's motion for discretionary review on grounds that his motion was time barred. CP 364-377, 396-401, 463, 474.

The trial court ordered Keen indigent. CP 380.

The trial court transferred the motion to remit LFOs to this Court as a Personal Restraint Petition. CP 460. Keen filed an affidavit in support of his motion asserting that he was indigent under GR 34, that he is serving a 240 month sentence, has mental disabilities, physical limitation, no ability to work or pay his LFOs,

and that his only family, his parents will be moving back to the Netherlands, where he will not be able to join them with outstanding LFOs. CP 463-464.

This Court ultimately granted review. CP 468; CP 515-521.

f. LFOs

Each judgment and sentence contains boiler plate language regarding ability to pay without an actual indication of ability to pay. CP 119-129, 504-514, 524-536, 546-563. Similarly, none of the sentencing courts inquired into Keen's ability to pay.

Keen was originally ordered to pay LFOs as follows:

Cause No. 07-1-00506-1: \$500 victim impact; \$350 court costs. CP 119. Cause No. 07-1-00435-9: \$144,000 restitution with interest \$8,365. Cause No. 08-1-00931-6: \$435 Court costs; \$805 attorney fees; \$100 DNA \$500 Victim impact \$1840. CP 279. Cause No. 10-1-00182-1: \$350 court costs; \$773.69 attorney fees; \$400 crime lab fees; \$100 DNA; \$500 victim impact fees. CP 354-362. As of December 1, 2017, Keen's total LFO balance for all four cases was one hundred and seventy four thousand nine hundred and ninety nine dollars and 91 cents (\$177,999.91). Supp. CP\_\_\_\_\_

Cowlitz County Superior Court Accounting Summary Generated 12-

1-2017) (Attached as Appendix A).

C. ARGUMENT

1. THE TRIAL COURTS COMMITTED REVERSIBLE ERROR BY INITIALLY IMPOSING LEGAL FINANCIAL OBLIGATIONS WITHOUT DETERMINING KEEN'S ABILITY TO PAY AND IN LATER REFUSING TO CONSIDER HIS MOTIONS TO REMIT ON GROUNDS THAT IT WAS UNTIMELY.

Keen requests this Court remit his outstanding LFOs and interest and suspend all past and future interest on restitution owed. Keen did not object to the imposition of appellate costs during his multiple sentencing hearings because the trial court never made any mention of LFOs and did not inquire into Keen's ability to pay. Rather, the trial court summarily imposed discretionary LFOs and restitution without any consideration of Keen's inability to pay. Appellate courts "may refuse to review any claim of error which was not raised in the trial court," but they are not required to. RAP 2.5(a).

"Costs" means the total amount of discretionary LFOs imposed, including interest. *Richland v. Wakefield*, 186 Wn.2d 596, 606-07, 380 P.3d 459 (2016) (encouraging courts to remit LFOs if

the person cannot “pay amounts that will *actually pay off* their LFOs” (emphasis added)).

In *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015), the Supreme Court chose to consider the imposition of LFOs raised for the first time on appeal because of its awareness that many LFOs were imposed on defendants’ who had no ability to pay, and because the trial court failed to make an individualized inquiry into the defendant’s ability to pay. *Blazina*, 182 Wn.2d at 835-37.

LFOs “imposed against indigent defendants” create significant burdens on offenders and our community, including “increased difficulty in reentering society, the doubtful recoupment of money by the government, and inequities in administration.” *Id.*; *Accord, State v. Duncan*, 185 Wn.2d 430, 437-38, 374 P.3d 83 (2016). Recently in *Duncan*, the Supreme Court affirmed its trend toward considering LFO objections raised for the first time on appeal. *Id.* Under *Blazina* and its progeny, this Court should consider Keen’s challenge to his LFOs to serve justice, and to limit the unfair imposition of LFOs that a defendant cannot pay. *Duncan*, 185 Wn.2d at 437-38.

RCW 10.01.160(4) also authorizes the court to remit LFOs at

any time for manifest hardship. *Id.*

a. Criteria For Imposition of LFOs

The Commissioner of this Court recognized that Keen is entitled to review of the trial court's denial of his motion to remit LFOs because the trial court failed to consider Keen's ability to pay. CP 495-501, 515-521, 537-543, 555-561.

In *Duncan*, the Court explained in detail the *State v. Curry*, 118 Wn.2d 911, 915-16, 829 P.2d 166 (1992) factors, the trial court must first establish prior to imposing LFOs:

- "1. Repayment must not be mandatory;
- "2. Repayment may be imposed only on convicted defendants;
- "3. Repayment may only be ordered if the defendant is or will be able to pay;
- "4. The financial resources of the defendant must be taken into account;
- "5. A repayment obligation may not be imposed if it appears there is no likelihood the defendant's indigency will end;
- "6. The convicted person must be permitted to petition the court for remission of the payment of costs or any unpaid portion;
- "7. The convicted person cannot be held in contempt for failure to repay if the default was not attributable to an intentional refusal to obey the court order or a failure to make a good faith effort to make repayment."

*Duncan*, 185 Wn.2d at 436 (quoting, *Curry*, 118 Wn.2d at 915-16)

(quoting, *State v. Eisenman*, 62 Wn. App. 640, 644 n. 10, 817 P.2d 867 (1991)).

The Supreme Court in *Blazina* also held that the court must consider the amount of restitution a defendant must pay when determining his or her ability to pay LFOs. *Blazina*, 182 Wn.2d at 830, 838-39. (restitution takes precedent over payment of LFOs). RCW 9.94A.760(1).<sup>1</sup>

In 2015, the Legislature also codified the requirement that the trial court first consider a defendant's ability to pay LFOs prior to imposing discretionary LFO's. RCW 10.01.160(3) which provides:

(3) 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.

Id.

It is undisputed that in each of Keen's four superior court

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<sup>1</sup> (4) A defendant who has been ordered to pay costs and who is not in contumacious default in the payment thereof may at any time petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170.

cases, the trial courts never inquired into Keen's ability to pay LFOs and did not consider his almost two hundred thousand in combined restitution and LFO debt. For this reason alone, this Court must vacate the discretionary LFOs and remand for a hearing to determine ability to pay.

b. Keen is Indigent

If a person is indigent under GR 34, "Courts should seriously question that person's ability to pay LFOs." *Blazina*, 182 Wn.2d at 839; *Accord, Richland*, 186 Wn.2d at 606-07. "This is true for both the imposition and enforcement of LFOs." *Wakefield*, 186 Wn.2d at 607. In Keen's case, all of the trial courts and appellate courts in Keen's multiple cases determined that Keen is indigent under GR 34. CP 34, 42-43, 48-49, 196, 198-201, 224-225, 311-314, 336-37, 378-80, 478 Furthermore, in Keen's affidavits he explains that he suffers from both mental and physical disabilities and is unlikely to be able to earn funds to repay LFOs. CP 23-25, 31, 39-41, 65-66, 174-192, 208-15, 297-305, 463-464.

c. Keen Established Manifest Hardship

Keen filed many motions and affidavits to vacate his LFOs based on manifest hardship. CP 23-25, 31, 39-41, 65-66, 174-192,

208-15, 297-305, 463-464. Keen's family would like to assist Keen in repaying his over one hundred and seventy thousand dollars in restitution but they cannot do this unless Keen's LFOs are terminated and he is permitted to petition to transfer to the Netherlands. CP 174-192, 208-15.

RCW 10.01.160(4) provides for remission of LFOs based on manifest hardship. "If it appears to the satisfaction of the court that payment of the amount due will impose *manifest hardship* on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170"

In *Wakefield*, 186 Wn.2d at 605-06, the court determined that Wakefield had some ability to pay and imposed LFOs, but did so without considering if the LFOs and payment schedule imposed a manifest hardship on Wakefield or her family. *Wakefield*, 186 Wn.2d at 605-06. The Supreme Court vacated the LFOs, holding that the trial court committed reversible error in failing to consider if the LFOs created a manifest hardship on Wakefield. *Wakefield*, 186 Wn.2d at 606.

Typically, the appellate court remands for a hearing to

determine manifest hardship but in *Wakefield* the Court, with the agreement of the parties remanded to remit the LFOs due to Wakefield's inability to meet her own basic needs due to homelessness. *Id.* The Court recognized that "manifest" is not statutorily defined but indicated that an inability to meet one's own basic needs meets the standard. *Id.*

Finally, citing to, and quoting *Blazina*, the Court in *Wakefield* cautioned that imposing LFOs on a defendant is particularly punitive" because even at a low rate of "\$25 per month toward their LFOs will [cause the defendant to] owe the State more 10 years after conviction than they did when the LFOs were initially assessed." *Wakefield*, 186 Wn.2d at 607 (quoting, *Blazina*, 182 Wn.2d at 836).

The imposition of LFOs also creates endless burden on the courts to retain jurisdiction over a defendant for many years beyond the statutory maximum term of punishment for the crimes. *Blazina*, 182 Wn.2d at 836. "Moreover, the state cannot collect money from defendants who cannot pay, which obviates one of the reasons for courts to impose LFOs. *Id.*

*Wakefield* cautioned that trial courts should only impose

LFOs for “short term situations” and not in situations “that require long term payment of low amounts”. *Wakefield*, 186 Wn.2d at 607. “If a person has no present or future ability to pay amounts that will actually pay off their LFOs, remission in accordance with RCW 10.01.160(4) is a more appropriate and just option. *Wakefield*, 186 Wn.2d at 607.

Keen established that he is serving a 240 month prison term and that he will not be able to pay his LFOs, and that over his lifetime he also would not be able to pay any of his restitution debt. The imposition of the LFOs in addition to the restitution and the compounding interest create a manifest hardship because Keen has no short term ability to pay, and his debt will only increase over the long-term due to the compounding effects of interest.

Additionally, Keen presents a unique situation where he can petition to transfer to the Netherlands if his LFOs are terminated. However, Keen cannot be transferred unless this Court agrees that the LFOs create a manifest hardship. Considering Keen’s present and future inability to pay, his inability to pay restitution and the Legislature’s preference for having a defendant pay restitution in advance of other financial obligations, this court should follow

*Wakefield* and remand for complete remission of all discretionary LFOs.

2. THIS COURT SHOULD REMIT ALL RESTITUTION AND RESTITUTION INTEREST DUE TO KEEN'S DISABILITIES.

Courts are prohibited from garnishing social security or disability payments to satisfy LFOs and restitution. *Wakefield*, 186 Wn.2d at 607-09. Under federal law, the Social Security Act anti attachment provisions expressly provides:

“none of the moneys paid” as part of social security disability benefits “shall be subject to execution, levy, attachment, garnishment, *or other legal process*, or to the operation of any bankruptcy or insolvency law.” 42 U.S.C. § 407 (a) (emphasis added).

*Wakefield*, 86 Wn.2d at 607-08.

In *Wakefield*, the defendant submitted a declaration to support her position that she received SSI. *Wakefield*, 86 Wn.2d at 610-11. The trial the court determined that *Wakefield* received SSI, but could work. *Wakefield*, 186 Wn.2d at 609. The Supreme Court held that receipt of SSI establishes a permanent disability preventing a person from working and further held that the trial court order requiring *Wakefield* to turn over \$15 from

her social security disability payments each month violated federal law prohibiting courts from ordering defendants to pay LFOs if the person's only source of income is social security disability. *Wakefield*, 86 Wn.2d at 608-09 (citing, citing *Bennett v. Arkansas*, 485 U.S. 395, 397, 108 S.Ct. 1204, 99 L.Ed.2d 455 (1988); *In re Lampart*, 306 Mich. App. 226, 856 N.W.2d 192 (2014); and *State v. Eaton*, 323 Mont. 287, 293, 99 P.3d 661 (2004)).

Restitution in Michigan and Montana like Washington, is mandatory not discretionary. RCW 9.94A.753; *Lampart*, 306 Mich. App. at 232-33; *Eaton*, 323 Mont. at 293-94. However, under 42 U.S.C. section 407(a), no state court may enforce restitution from SSI benefits. *Wakefield*, 186 Wn.2d at 597). Restitution was not at issue in *Wakefield*, but our State Supreme Court cited with approval the Montana and Michigan cases that both recognized the federal prohibition against garnishing SSI payments for restitution. *Wakefield*, 86 Wn.2d at 608-09.

Here, Keen asserted that both his physical and mental disabilities prevent him from working. CP 208-13. The record does not indicate if Keen received SSI because the trial courts never considered his ability to pay LFOs or restitution.

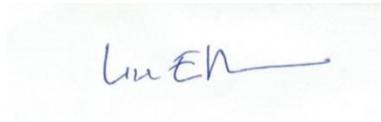
To comply with the federal limitations imposed on garnishing SSI, this Court must remand for a hearing to permit Keen to establish the extent of his mental and physical disabilities and to determine if he is eligible for SSI disability, and accordingly to remit the restitution if Keen is in fact eligible for SSI. *Wakefield*, 86 Wn.2d at 610-11.

D. CONCLUSION

Tomas Keen respectfully requests this Court terminate his legal financial obligation based on inability to pay, and remand for a hearing to remit restitution based on disability under the Social Security Act's prohibition against garnishment.

DATED this 1<sup>st</sup> day of December 2017.

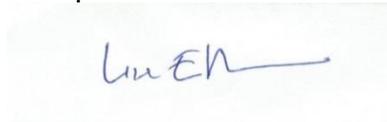
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lise Ellner", is written on a light-colored rectangular background.

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LISE ELLNER  
WSBA No. 20955  
Attorney for Appellant

I, Lise Ellner, a person over the age of 18 years of age, served the Cowlitz County Prosecutor's Office appeals@co.cowlitz.wa.us and Tomas Keen/DOC#310445, Monroe Correctional Complex-WSR, PO Box 777, Monroe, WA 98272 a true copy of the document to which this certificate is affixed on December 1, 2017. Service was made by electronically to the prosecutor and Tomas Keen by depositing in the mails of the United States of America, properly stamped and addressed.

A handwritten signature in blue ink, appearing to read "Lise Ellner", is written on a light-colored rectangular background.

\_\_\_\_\_  
Signature

## APPENDIX A

Case Number: 07-1-00506-1

<b>Fee Category</b>	<b>Charges</b>	<b>Payments</b>	<b>Credits</b>	<b>Balance</b>	<b>Disb</b>	<b>Escrow</b>
<b>Collection Costs</b>	<b>100.00</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>	<b>0.00</b>
Reimbursement, Collection Costs	100.00	100.00	0.00	0.00	100.00	0.00
<b>Fines (A/R) Criminal</b>	<b>700.00</b>	<b>700.00</b>	<b>0.00</b>	<b>0.00</b>	<b>700.00</b>	<b>0.00</b>
... Crime Victims Fund Fee	171.86	171.86	0.00	0.00	171.86	0.00
... State General Fund 40	210.60	210.60	0.00	0.00	210.60	0.00
... State General Fund 54	41.37	41.37	0.00	0.00	41.37	0.00
Fee, Criminal	106.14	106.14	0.00	0.00	106.14	0.00
Penalty, Crime Victim	170.03	170.03	0.00	0.00	170.03	0.00
<b>Interest-LFO</b>	<b>446.62</b>	<b>293.75</b>	<b>0.00</b>	<b>152.87</b>	<b>293.75</b>	<b>0.00</b>
LFO Interest, Crt Curr Expnse 11-90 (Interest Use Only)	111.67	73.46	0.00	38.21	73.46	0.00
LFO Interest, JIS Account Fee 80-90 (Interest Use Only)	111.69	73.47	0.00	38.22	73.47	0.00
LFO Interest, Revenue (Interest Use Only)	111.66	73.40	0.00	38.26	73.40	0.00
LFO Interest, State Gen Fund 40 40-90 (Interest Use O	111.60	73.42	0.00	38.18	73.42	0.00
<b>Jail Costs</b>	<b>150.00</b>	<b>150.00</b>	<b>0.00</b>	<b>0.00</b>	<b>150.00</b>	<b>0.00</b>
Reimbursement, Jail Costs	150.00	150.00	0.00	0.00	150.00	0.00
<b>Totals</b>	<b>1,396.62</b>	<b>1,243.75</b>	<b>0.00</b>	<b>152.87</b>	<b>1,243.75</b>	<b>0.00</b>
<b>Indirect Total</b>	<b>0.00</b>					

Case Number: 07-1-00435-9

Fee Category	Charges	Payments	Credits	Balance	Disb	Escrow
<b>Collection Costs</b>	<b>100.00</b>	<b>1.89</b>	<b>0.00</b>	<b>98.11</b>	<b>1.89</b>	<b>0.00</b>
Reimbursement, Collection Costs	100.00	1.89	0.00	98.11	1.89	0.00
<b>DNA Fees</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>
DNA Database Account (Obsolete 6/12/2008)	100.00	0.00	0.00	100.00	0.00	0.00
<b>Fines (A/R) Criminal</b>	<b>1,598.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,598.00</b>	<b>0.00</b>	<b>0.00</b>
... Crime Victims Fund Fee	187.62	0.00	0.00	187.62	0.00	0.00
... State General Fund 40	210.58	0.00	0.00	210.58	0.00	0.00
... State General Fund 54	41.40	0.00	0.00	41.40	0.00	0.00
Fee, Criminal	106.12	0.00	0.00	106.12	0.00	0.00
Fee, Public Defender Recoup	725.08	0.00	0.00	725.08	0.00	0.00
Fee, Sheriff Expenses	157.20	0.00	0.00	157.20	0.00	0.00
Penalty, Crime Victim	170.00	0.00	0.00	170.00	0.00	0.00
<b>Interest-LFO</b>	<b>2,368.50</b>	<b>0.00</b>	<b>0.00</b>	<b>2,368.50</b>	<b>0.00</b>	<b>0.00</b>
LFO Interest, Crt Curr Expnse 11-90 (Interest Use Only)	592.12	0.00	0.00	592.12	0.00	0.00
LFO Interest, JIS Account Fee 80-90 (Interest Use Only)	591.91	0.00	0.00	591.91	0.00	0.00
LFO Interest, Revenue (Interest Use Only)	592.41	0.00	0.00	592.41	0.00	0.00
LFO Interest, State Gen Fund 40 40-90 (Interest Use O	592.06	0.00	0.00	592.06	0.00	0.00
<b>Jail Costs</b>	<b>150.00</b>	<b>0.00</b>	<b>0.00</b>	<b>150.00</b>	<b>0.00</b>	<b>0.00</b>
Reimbursement, Jail Costs	150.00	0.00	0.00	150.00	0.00	0.00
<b>Restitution</b>	<b>75,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>75,000.00</b>	<b>0.00</b>	<b>0.00</b>
Restitution	75,000.00	0.00	0.00	75,000.00	0.00	0.00
<b>Restitution Interest</b>	<b>91,232.83</b>	<b>0.00</b>	<b>0.00</b>	<b>91,232.83</b>	<b>0.00</b>	<b>0.00</b>
Interest, Restitution	91,232.83	0.00	0.00	91,232.83	0.00	0.00
<b>Totals</b>	<b>170,549.33</b>	<b>1.89</b>	<b>0.00</b>	<b>170,547.44</b>	<b>1.89</b>	<b>0.00</b>
<b>Indirect Total</b>	<b>0.00</b>					

Case Number: 08-1-00931-6

<b>Fee Category</b>	<b>Charges</b>	<b>Payments</b>	<b>Credits</b>	<b>Balance</b>	<b>Disb</b>	<b>Escrow</b>
<b>Collection Costs</b>	<b>100.00</b>	<b>58.13</b>	<b>0.00</b>	<b>41.87</b>	<b>58.13</b>	<b>0.00</b>
Reimbursement, Collection Costs	100.00	58.13	0.00	41.87	58.13	0.00
<b>DNA Fees</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>
... DNA Collector Fee 2 ST	80.00	0.00	0.00	80.00	0.00	0.00
DNA Collector Fee 2	20.00	0.00	0.00	20.00	0.00	0.00
<b>Fines (A/R) Criminal</b>	<b>1,590.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,590.00</b>	<b>0.00</b>	<b>0.00</b>
... Crime Victims Fund Fee	187.48	0.00	0.00	187.48	0.00	0.00
... State General Fund 40	210.58	0.00	0.00	210.58	0.00	0.00
... State General Fund 54	41.40	0.00	0.00	41.40	0.00	0.00
Fee, Criminal	106.12	0.00	0.00	106.12	0.00	0.00
Fee, Public Defender Recoup	790.91	0.00	0.00	790.91	0.00	0.00
Fee, Sheriff Expenses	83.51	0.00	0.00	83.51	0.00	0.00
Penalty, Crime Victim	170.00	0.00	0.00	170.00	0.00	0.00
<b>Interest-LFO</b>	<b>2,002.82</b>	<b>0.00</b>	<b>0.00</b>	<b>2,002.82</b>	<b>0.00</b>	<b>0.00</b>
LFO Interest, Crt Curr Expnse 11-90 (Interest Use Only)	500.71	0.00	0.00	500.71	0.00	0.00
LFO Interest, JIS Account Fee 80-90 (Interest Use Only)	500.57	0.00	0.00	500.57	0.00	0.00
LFO Interest, Revenue (Interest Use Only)	500.81	0.00	0.00	500.81	0.00	0.00
LFO Interest, State Gen Fund 40 40-90 (Interest Use O	500.73	0.00	0.00	500.73	0.00	0.00
<b>Jail Costs</b>	<b>150.00</b>	<b>0.00</b>	<b>0.00</b>	<b>150.00</b>	<b>0.00</b>	<b>0.00</b>
Reimbursement, Jail Costs	150.00	0.00	0.00	150.00	0.00	0.00
<b>Totals</b>	<b>3,942.82</b>	<b>58.13</b>	<b>0.00</b>	<b>3,884.69</b>	<b>58.13</b>	<b>0.00</b>
<b>Indirect Total</b>	<b>0.00</b>					

Case Number: 10-1-00182-1

Fee Category	Charges	Payments	Credits	Balance	Disb	Escrow
<b>DNA Fees</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>
... DNA Collector Fee 2 ST	80.00	0.00	0.00	80.00	0.00	0.00
DNA Collector Fee 2	20.00	0.00	0.00	20.00	0.00	0.00
<b>Fines (A/R) Criminal</b>	<b>1,873.69</b>	<b>0.00</b>	<b>0.00</b>	<b>1,873.69</b>	<b>0.00</b>	<b>0.00</b>
... Crime Lab Analysis	380.00	0.00	0.00	380.00	0.00	0.00
... Crime Victims Fund Fee	188.24	0.00	0.00	188.24	0.00	0.00
... State General Fund 40	210.58	0.00	0.00	210.58	0.00	0.00
... State General Fund 54	41.40	0.00	0.00	41.40	0.00	0.00
Fee, Crime Lab	20.00	0.00	0.00	20.00	0.00	0.00
Fee, Criminal	106.12	0.00	0.00	106.12	0.00	0.00
Fee, Public Defender Recoup	760.15	0.00	0.00	760.15	0.00	0.00
Penalty, Crime Victim	167.20	0.00	0.00	167.20	0.00	0.00
<b>Interest-LFO</b>	<b>1,891.22</b>	<b>0.00</b>	<b>0.00</b>	<b>1,891.22</b>	<b>0.00</b>	<b>0.00</b>
LFO Interest, Crt Curr Expnse 11-90 (Interest Use Only)	472.77	0.00	0.00	472.77	0.00	0.00
LFO Interest, JIS Account Fee 80-90 (Interest Use Only)	472.75	0.00	0.00	472.75	0.00	0.00
LFO Interest, Revenue (Interest Use Only)	472.88	0.00	0.00	472.88	0.00	0.00
LFO Interest, State Gen Fund 40 40-90 (Interest Use O	472.82	0.00	0.00	472.82	0.00	0.00
<b>Jail Costs</b>	<b>150.00</b>	<b>0.00</b>	<b>0.00</b>	<b>150.00</b>	<b>0.00</b>	<b>0.00</b>
Reimbursement, Jail Costs	150.00	0.00	0.00	150.00	0.00	0.00
<b>Totals</b>	<b>4,014.91</b>	<b>0.00</b>	<b>0.00</b>	<b>4,014.91</b>	<b>0.00</b>	<b>0.00</b>
<b>Indirect Total</b>	<b>0.00</b>					

**LAW OFFICES OF LISE ELLNER**

**December 01, 2017 - 4:26 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 50288-7  
**Appellate Court Case Title:** State of Washington, Respondent v. Tomas Keen, Appellant  
**Superior Court Case Number:** 07-1-00435-9

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