

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

TOMAS KEEN,
Appellant.

No. 50288-7-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW
PURSUANT TO RAP 10.10

STATE OF WASHINGTON
BY  DEPUTY

2017 DEC 29 AM 11:35

FILED
COURT OF APPEALS
DIVISION II

Tomas Keen, appellant, has received and reviewed the opening brief prepared by his counsel. Summarized below are two lucid and meritorious additional grounds that were not addressed in that brief. Keen fully understands that these grounds will be reviewed by the Court when his appeal is considered on the merits.

First Additional Ground

Keen asserts that the judgment and sentence in Cowlitz County Superior Court Cause No. 10-1-00182-1 is invalid on its face. Section 2.5 of the J&S contains the now infamous boiler-plate language regarding the inquiry into the defendant's ability to pay. Where this case differs is that the Court failed to mark any of the checkable boxes that would indicate the finding of an ability to pay. Without this finding there can be no imposition of discretionary legal financial obligations (LFOs). Because the \$500 victim assessment and the \$200 criminal filing fee are the only mandatory obligations not subject to suspension for indigency, the debt should be reduced to these two fees.

Second Additional Ground

The appellant's motion in the superior court to terminate LFOs was a clear attempt for financial relief. The court had multiple lawful and equitable remedies to provide such relief but took no such action. Specifically, in Cowlitz County Superior Court Cause No. 07-1-00506-1, Keen has paid nearly double the amount initially imposed. For years he has been paying toward interest only, depriving him of having paid funds allotted to other causes. RCW 10.82.090 authorizes the superior court to waive the interest accrued on the debt, and that action should have been taken. This Court should remand for waiver of interest, thereby removing all debt from this cause.

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

DATED this 26th day of December, 2017.

Respectfully submitted,

James M. Keen

Tomas Keen 310445
MCC-WSRU C-2-04
PO Box 777
Monroe, WA 98272

December 26, 2017

Washington State Court of Appeals
Division Two
950 Broadway, Suite 300
Tacoma, WA 98402

RE:- Statement of Additional Grounds, CASE NO. 50288-7-II

Dear Court Clerk:

Please find enclosed the Statement of Additional Grounds that I have prepared for the above referenced case number.

I was unable to obtain transcripts for the case so I have restricted my issues to just two. I personally believe they should be enough to grant relief so I do not believe waiting for transcripts to be provided will be necessary.

Thank you very much for your time. I hope you enjoy the holidays.

Sincerely,



Tomas Keen
Appellant

RECEIVED

DEC 29 2017

CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON