

FILED  
Court of Appeals  
Division II  
State of Washington  
12/10/2018 8:00 AM

**NO. 50410-3-II**

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

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STATE OF WASHINGTON,

Respondent,

v.

**JEREMY TATE,**

Appellant.

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

The Honorable Randall C. Krog, Judge

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**SUPPLEMENTAL BRIEF OF APPELLANT**

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**A. ASSIGNMENT OF ERROR**

1. The trial court erred by ordering Mr. Tate to pay a \$200 criminal filing fee.

**B. ISSUE PERTAINING TO ASSIGNMENT OF ERROR**

1. The recent amendments to the statutes addressing legal financial obligations (LFOs) apply prospectively to all cases on direct appeal. Those amendments prohibit the imposition of a filing fee upon indigent criminal defendants. Must this court vacate the trial court order requiring Mr. Tate, who is indigent, to pay a \$200 criminal filing fee?

**C. STATEMENT OF THE CASE**

Per page 7 of the Judgment and Sentence, the trial court ordered Mr. Tate to pay a \$200 criminal filing fee. (CP 15). The court also found Mr. Tate indigent, at sentencing, in the trial court, CP 12, in for appellate purposes. CP 12, 39-40.

**D. ARGUMENT**

**THE WASHINGTON SUPREME COURT'S RECENT DECISION IN *RAMIREZ* REQUIRES THIS COURT TO VACATE THE ORDER REQUIRING MR. TATE TO PAY A CRIMINAL FILING FEE.**

On September 20, 2018, the Washington Supreme Court decided in *State v. Ramirez*, --- Wn.2d ---, 426 P.3d 714 (September 20, 2018), that the amendments to the Legal Financial Obligations (LFO) statutes passed as HB 1783 applies prospectively to all cases pending on direct appeal. *Ramirez*, --- Wn.2d at ---, 426 P.2d at 722. Pursuant to those amendments, a trial court may no longer impose discretionary LFOs upon indigent persons. RCW 10.01.160(3). Likewise, a sentencing court may no longer order an indigent person to pay the \$200 criminal filing fee. Laws of 2018, ch. 269, § 17; *Ramirez*, --- Wn.2d at ---, 426 P.2d at 722. Because he is indigent, the sentencing court is prohibited from ordering Mr. Tate to pay the \$200 criminal filing fee under HB 1783. *Id.*

**E. CONCLUSION**

*Ramirez* applies prospectively to Mr. Tate's case, which is currently pending on direct appeal. *Id.* Accordingly, this Court must vacate the order requiring Mr. Tate to pay a \$200 criminal filing fee.

Respectfully submitted December 9, 2018.

A handwritten signature in black ink, consisting of a long horizontal stroke followed by a loop and a smaller flourish below it.

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LISA E. TABBUT/WSBA 21344  
Attorney for Jeremy Tate

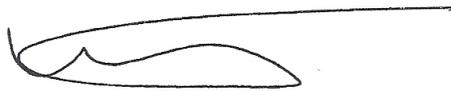
**CERTIFICATE OF SERVICE**

Lisa E. Tabbut declares as follows:

On today's date, I efiled the Brief of Appellant to (1) Skamania County Prosecutor's Office, at [kick@co.skamania.wa.us](mailto:kick@co.skamania.wa.us); (2) the Court of Appeals, Division II; and (3) I mailed it to Jemery Tate at P.O. Box 325, Carson, WA 98610.

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

Signed December 9, 2018, in Winthrop, Washington.

A handwritten signature in black ink, appearing to read 'Lisa E. Tabbut', with a long horizontal line extending to the right.

Lisa E. Tabbut, WSBA No. 21344  
Attorney for Jeremy Tate, Appellant

**LAW OFFICE OF LISA E TABBUT**

**December 09, 2018 - 10:30 AM**

**Transmittal Information**

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