

FILED
Court of Appeals
Division II
State of Washington

NO. 50474-0-II
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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

ANDREW RAYMOND FORREST,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF
KITSAP COUNTY, STATE OF WASHINGTON
Superior Court No. 15-1-01324-4

SUPPLEMENTAL BRIEF OF RESPONDENT

TINA R. ROBINSON
Prosecuting Attorney

JOHN L. CROSS
Deputy Prosecuting Attorney

614 Division Street
Port Orchard, WA 98366
(360) 328-1577

SERVICE

Skylar Texas Brett
Po Box 18084
Seattle, Wa 98118-0084
Email: skylarbrettlawoffice@gmail.com

This brief was served, as stated below, via U.S. Mail or the recognized system of interoffice communications, *or, if an email address appears to the left, electronically*. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED December 4, 2018, Port Orchard, WA 
Original e-filed at the Court of Appeals; Copy to counsel listed at left.
Office ID #91103 kcpa@co.kitsap.wa.us

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TABLE OF AUTHORITIES

State v. Ramiez, __Wn.2d__, 426 P.3d 714 (September 20, 2018)

I. COUNTERSTATEMENT OF THE ISSUES

1. Whether Forrest's obligation to pay a \$200 filing fee should be stricken from the judgment and sentence?

II. STATEMENT OF THE CASE

A. FACTS AND PROCEDURAL HISTORY

This matter is pending direct review following Forrest's conviction for vehicular homicide by reckless conduct. Forrest successfully moved the court for an order allowing him to supplement his appellate claims to include an emerging issue regarding legal financial obligation.

II. ARGUMENT

A. THE FILING FEE SHOULD BE STRICKEN.

Forrest argues that the \$200 filing fee must be stricken from the list of his legal financial obligations. The state agrees.

While serving his sentence, Forrest is likely indigent. In any event, the state will not contest a finding at this point that he is indigent even though he had retained counsel below.

The state agrees that the new statute and the Washington Supreme Court's interpretation of that statute in *State v. Ramirez*, __Wn.2d__, 426

P.3d 714 (September 20, 2018), warrant relief for Forrest.

III. CONCLUSION

For the foregoing reasons, this Court should order that the superior court enter an order correcting the judgment and sentence by striking the \$200 filing fee.

DATED December 4, 2018.

Respectfully submitted,

TINA R. ROBINSON
Prosecuting Attorney

A handwritten signature in black ink, appearing to read "John L. Cross". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JOHN L. CROSS
WSBA No. 20142
Deputy Prosecuting Attorney
kcpa@co.kitsap.wa.us

KITSAP COUNTY PROSECUTOR'S OFFICE - CRIMINAL DIVISION

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Sender Name: Lori Vogel - Email: LVogel@co.kitsap.wa.us

Filing on Behalf of: John L. Cross - Email: jcross@co.kitsap.wa.us (Alternate Email:)

Address:
614 Division Street, MS-35
Port Orchard, WA, 98366
Phone: (360) 337-7171

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