

FILED  
Court of Appeals  
Division II  
State of Washington  
11/2/2018 1:34 PM

NO. 50636-0II

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

---

---

STATE OF WASHINGTON,

Respondent,

v.

LAMAR JEFFRIES,  
Appellant.

---

---

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

Pierce County Cause No. 15-1-04739-8

The Honorable Frank E. Cuthbertson, Judge

---

---

SUPPLEMENTAL BRIEF OF APPELLANT

---

Skylar T. Brett  
Attorney for Appellant

LAW OFFICE OF SKYLAR BRETT, PLLC  
PO BOX 18084  
SEATTLE, WA 98118  
(206) 494-0098  
skylarbrettlawoffice@gmail.com

**TABLE OF CONTENTS**

**TABLE OF CONTENTS ..... i**

**TABLE OF AUTHORITIES ..... ii**

**SUPPLEMENTAL ISSUES AND ASSIGNMENTS OF ERROR ..... 1**

**STATEMENT OF FACTS AND PRIOR PROCEEDINGS ..... 2**

**ARGUMENT ..... 2**

**THE WASHINGTON SUPREME COURT’S RECENT DECISION IN  
*RAMIREZ* REQUIRES THIS COURT TO VACATE THE ORDERS  
REQUIRING MR. JEFFRIES TO PAY A CRIMINAL FILING FEE  
AND A DNA COLLECTION FEE. .... 2**

**CONCLUSION ..... 3**

**TABLE OF AUTHORITIES**

**WASHINGTON STATE CASES**

*State v. Ramirez*, --- Wn.2d ---, 426 P.3d 714 (September 20, 2018)..... 2, 3

**OTHER AUTHORITIES**

Laws of 2018, ch. 269..... 2, 3

## **SUPPLEMENTAL ISSUES AND ASSIGNMENTS OF ERROR**

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

**ISSUE 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. Jeffries, who is indigent, to pay a \$200 criminal filing fee?

2. The trial court erred by ordering Mr. Jeffries to pay a \$100 DNA collection fee

**ISSUE 2:** 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 DNA collection fee upon an offender whose DNA has already been collected pursuant to a previous felony conviction. Must this court vacate the trial court order requiring Mr. Jeffries to pay a \$100 DNA collection fee when his DNA has already been collected in the past?

## **STATEMENT OF FACTS AND PRIOR PROCEEDINGS**

Mr. Jeffries's criminal case is currently pending on direct appeal. His Opening Brief was filed in this Court on June 7, 2018.

At sentencing, the trial court included previous felony convictions in Mr. Jeffries's offender score. CP 217-18. The sentencing court also ordered him to pay a \$100 DNA fee and a \$200 criminal filing fee. CP 720. The court also found Mr. Jeffries indigent at the end of the proceedings in trial court. CP 233-34.

## **ARGUMENT**

### **THE WASHINGTON SUPREME COURT'S RECENT DECISION IN *RAMIREZ* REQUIRES THIS COURT TO VACATE THE ORDERS REQUIRING MR. JEFFRIES TO PAY A CRIMINAL FILING FEE AND A DNA COLLECTION 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. Finally, a sentencing court may not order an indigent person to pay a \$100 DNA collection fee if s/he has already paid that fee previously because of a prior felony conviction. Laws of 2018, ch. 269, §§ 1, 18, 7; *Id.*

Because he is indigent, the sentencing court is prohibited from ordering Mr. Jeffries to pay the \$200 criminal filing fee under HB 1783. *Id.* Also, because he has already had his DNA collected as a result of previous felony convictions, the sentencing court is prohibited from ordering him to pay the \$100 DNA collection fee. *Id.*

### **CONCLUSION**

*Ramirez* applies prospectively to Mr. Jeffries's case, which is currently pending on direct appeal. *Id.* Accordingly, this Court must vacate the orders requiring Mr. Jeffries to pay a \$200 criminal filing fee and a \$100 DNA collection fee.

Respectfully submitted on November 2, 2018,



---

Skylar T. Brett, WSBA No. 45475  
Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that on today's date:

I mailed a copy of Appellant's Opening Brief, postage prepaid, to:

Lamar Jeffries  
504 Garfield St  
Parkland, WA 98444

With the permission of the recipient(s), I delivered an electronic version of the brief, using the Court's filing portal, to:

Pierce County Prosecuting Attorney  
pcpatcecf@co.pierce.wa.us

I filed the Appellant's Opening Brief electronically with the Court of Appeals, Division II, through the Court's online filing system.

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

Signed at Seattle, Washington on November 2, 2018.



---

Skylar T. Brett, WSBA No. 45475  
Attorney for Appellant

**LAW OFFICE OF SKYLAR BRETT**

**November 02, 2018 - 1:34 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 50636-0  
**Appellate Court Case Title:** State of Washington, Respondent v. Lamar Jefferies, Appellant  
**Superior Court Case Number:** 15-1-04739-8

**The following documents have been uploaded:**

- 506360\_Briefs\_20181102133358D2478615\_0743.pdf  
This File Contains:  
Briefs - Appellants - Modifier: Supplemental  
*The Original File Name was Jeffries Supplemental Brief LFOs.pdf*
- 506360\_Motion\_20181102133358D2478615\_8863.pdf  
This File Contains:  
Motion 1  
*The Original File Name was Jeffries Motion Supplemental Brief LFOs.pdf*

**A copy of the uploaded files will be sent to:**

- PCpatcecf@co.pierce.wa.us

**Comments:**

---

Sender Name: Valerie Greenup - Email: valerie.skylarbrett@gmail.com

**Filing on Behalf of:** Skylar Texas Brett - Email: skylarbrettlawoffice@gmail.com (Alternate Email: valerie.skylarbrett@gmail.com)

Address:  
PO Box 18084  
Seattle, WA, 98118  
Phone: (206) 494-0098

**Note: The Filing Id is 20181102133358D2478615**