

FILED
Court of Appeals
Division II
State of Washington
11/15/2018 3:53 PM

NO. 50810-9-II

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

STATE OF WASHINGTON
v.

Matthew Morasch,

Appellant.

ON APPEAL FROM CLARK COUNTY SUPERIOR COURT

The Honorable Derek Vanderwood, Judge

APPELLANT'S SUPPLEMENTAL BRIEF

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A. IDENTITY OF APPELLANT

Matthew Morasch asks this court to accept review of the decision or parts of the decision designated in Part B of this motion.

B. DECISION

Appellant requests review of the trial court's 2018 motion challenging appellant's motion to remit legal financial obligations (LFOs).

C. SUPPLEMENTAL ISSUES PRESENTED FOR REVIEW

1. The amendment to RCW 43.43.7541 applies to this case, but due to the timing of the case, this issue was unavailable until the State Supreme Court amended RCW 43.43.7541.

2. This court should vacate the imposition of the criminal filing fee and the DNA fee pursuant to the newly amended RCW 43.43.7541 and under *State v. Ramirez*, __ Wn.2d __, __ P.3d __, 2018 WL 4499761 at *6 (September 20, 2018).

D. STATEMENT OF THE CASE

A. The legislature no longer permits imposition of a criminal filing fee in indigent cases.

The Legislature the legislature enacted House Bill 1783, which amends former RCW 10.01.160(3) to categorically prohibit the imposition of any discretionary costs on indigent defendants. LAWS OF 2018, ch. 269, § 6(3). House Bill 1783 also amends the criminal filing fee statute, former RCW 36.18.020(2)(h) (2015), to prohibit courts from imposing the \$200 filing fee on indigent defendants. LAWS OF 2018, ch. 269, § 17(2)(h).

The legislature's decision to eliminate this fee is remedial and applies prospectively to cases pending on appeal. Here, appellant's case was pending on appeal/or initiated after the effective date of RCW 43.43.7541. *Ramirez*, 2018 WL 4499761 at *6. Accordingly, the \$200 criminal filing fee imposed must be stricken from the judgment and sentence. CP 267-79.

E. CONCLUSION

For the foregoing reasons, Matthew Morasch asks this court to remove the DNA fee and the criminal filing fee from the judgment

and sentence.

DATED this 9th day of November 2018.

Respectfully submitted,

LAW OFFICES OF LISE ELLNER



LISE ELLNER, WSBA No. 20955
Attorney for Appellant

I, Lise Ellner, a person over the age of 18 years of age, served the Clark County Prosecutor's Office prosecutor@clark.wa.gov and Matthew Morasch, 9923 SE Evergreen Highway, Vancouver, WA 98664 a true copy of the document to which this certificate is affixed on November 9, 2018. Service was made by electronically to the prosecutor and Matthew Morasch by depositing in the mails of the United States of America, properly stamped and addressed.



Signature

LAW OFFICES OF LISE ELLNER

November 15, 2018 - 3:53 PM

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