FILED
Court of Appeals
Division II
State of Washington
10/25/2018 10:32 AM

NO. 51186-0

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**COURT OF APPEALS, DIVISION II**
**STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

GARRETT A. WILLIAMS, APPELLANT

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Appeal from the Superior Court of Pierce County
The Honorable Frank Cuthbertson and Stephanie Arend, Judge

No. 16-1-02116-8

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# Supplemental Brief of Respondent

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Prosecuting Attorney

By
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A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Should this court remand for the criminal filing fee to be striken?

B. STATEMENT OF THE CASE.

1. FACTS

The statement of facts contained in the State's response brief and incorporated here by reference.

C. ARGUMENT.

1. THIS COURT SHOULD ORDER THAT THE IMPOSITION OF THE CRIMINAL FILING FEE BE STRIKEN.

In this case, the trial court found the defendant to be indigent. CP 80 -81. The defendant's direct appeal is still pending. House Bill 1783, effective March 27, 2018, prohibits the imposition of the $200.00 filing fee on defendants who were indigent at the time of sentencing. As the court held in ***State v. Ramirez***, __ Wn.2d __, 426 P.3d 714 (2018), House Bill 1783 is applicable to cases that are on appeal and therefore not yet final. The State agrees that the criminal filing fee of $200.00 that was imposed in this case should be stricken. The State further agrees that House Bill 1783 eliminates any interest accrual on nonrestitution legal financial obligations.

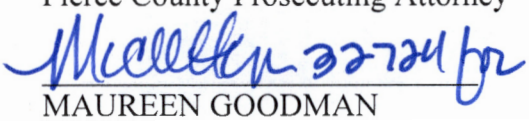
The State acknowledges that this defendant was found indigent by the sentencing court, and therefore the $200.00 criminal filing fee should be stricken.

D. CONCLUSION.

This court should remand for the trial court to strike the imposition of the $200.00 filing fee and the interest accrual provision, and affirm all other issues as stated in the State's response brief.

DATED: October 24, 2018.

MARK LINDQUIST
*Pierce County Prosecuting Attorney*



MAUREEN GOODMAN
Deputy Prosecuting Attorney
WSB # 34012

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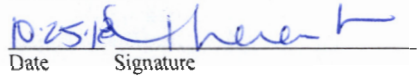
The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.



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## PIERCE COUNTY PROSECUTING ATTORNEY

## October 25, 2018 - 10:32 AM

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| **Appellate Court Case Number:** | 51186-0 |
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