

FILED
Court of Appeals
Division II
State of Washington
10/25/2018 10:31 AM
NO. 51268-8

COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

v.

ABDOUL H. KAFANDO, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Garold Johnson, Judge

No. 16-1-04456-7

Supplemental Brief of Respondent

MARK LINDQUIST
Prosecuting Attorney

By
Maureen Goodman
Deputy Prosecuting Attorney
WSB # 34012

930 Tacoma Avenue South
Room 946
Tacoma, WA 98402
PH: (253) 798-7400

Table of Contents

A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR 1

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

B. STATEMENT OF THE CASE..... 1

 1. FACTS 1

C. ARGUMENT..... 1

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

D. CONCLUSION..... 2

Table of Authorities

State Cases

State v. Ramirez, __ Wn.2d __, 426 P.3d 714 (2018) 1

Statutes

House Bill 1783 1

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

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

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 248 - 249. 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 30724 for

MAUREEN GOODMAN
Deputy Prosecuting Attorney
WSB # 34012

Certificate of Service:

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.

10/25/18 Maureen K

Date Signature

PIERCE COUNTY PROSECUTING ATTORNEY

October 25, 2018 - 10:31 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 51268-8
Appellate Court Case Title: State of Washington, Respondent v. Abdoul H. Kafando, Appellant
Superior Court Case Number: 16-1-04456-7

The following documents have been uploaded:

- 512688_Briefs_20181025103116D2807715_6696.pdf
This File Contains:
Briefs - Respondents - Modifier: Supplemental
The Original File Name was KAFANDO SUPP BRIEF.pdf

A copy of the uploaded files will be sent to:

- SCCAttorney@yahoo.com
- mvonwah@co.pierce.wa.us

Comments:

Sender Name: Therese Kahn - Email: tnichol@co.pierce.wa.us

Filing on Behalf of: Maureen C Goodman - Email: mgoodma@co.pierce.wa.us (Alternate Email: PCpatcecf@co.pierce.wa.us)

Address:
930 Tacoma Ave S, Rm 946
Tacoma, WA, 98402
Phone: (253) 798-7400

Note: The Filing Id is 20181025103116D2807715