FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY AP
DEPUTY

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

STATE OF WASHINGTON, Respondent, v. MICHAEL JOSEPH BRADY, Appellant.	NO. 52120-2-II APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

A. IDENTITY OF APPELLANT

COMES NOW, Michael Joseph Brady, Appellant pro se, pursuant to RAP 10.10, having received and reviewed the opening brief prepared by my attorney, and now files this STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW.

B. STATEMENT OF THE CASE

Appellant incorporates Part D "STATEMENT OF THE Case" from appellant's opening brief and adds pertinent details as necessary.

On May 8, 2018, appellant filed a motion to waive legal financial obligations.

On May 10, 2018, the superior court responded that the submissions have not been processed for the following reason: "Submission otherwise incomplete or defective", noting "Pierce County Superior Court does not have jurisdiction over appellate costs." See Exhibit A

Appellant filed a second motion for remission of costs on May 29, 2018, which is the cause of action in the instant appeal.

On June 20, 2018 appellant filed another motion titled, "A motion to dismiss interest on legal financial obligations" specifically, concerning interest on restitution. See Exhibit B.

On June 25, 2018, the superior court entered an order denying defendant's motion for remission of the payment of cost or any unpaid portion pursuant to RCW 10.73.160 based upon "the statutes that allow for remission of costs, both trial and appellate, as well as interest, require consideration of whether a manifest hardship to the Defendant occurs 'at any time after release from total confinement.' RCW 10.01.160(4); RCW 10.82.090 (2); RCW 10.73.160(4)", which is the appealable order in the instant appeal. However, the Superior Court also entered an order denying defendant's motion to dismiss interest on legal financial obligations. The Superior

Court used the same statutes and reasoning from the first order to deny appellant's motion to dismiss interest on legal financial obligations. See Exhibit C

Appellant now files this statement of additional grounds for review.

C. STATEMENT OF ADDITIONAL GROUND #1

Can the appellate court review a previous trial court ruling or order not in the notice of appeal?

RAP 2.4(b) expressly permits the appellate court to review any earlier trial court order or ruling, "including an appealable order," regardless whether it is designated in the notice of appeal, if it prejudically affects the decision designated in the notice. Fox v. Sunmaster Prods., 115 Wn.2d 498, 505, 798 P.2d 808 (1990).

Therefore, according to Sunmaster Prods, Id., this court can consider the ruling entered by the superior court on appellant's first motion to waive legal financial obligations based on the following: First, the ruling prejudically affects the decision in the notice, because if the trial court did not have jurisdiction over appellate costs, then the trial court does not have jurisdiction on appellant's second motion for remission of costs, unless the trial court erred in its first ruling. Lastly, the ruling was made before this Court accepted review.

Additionally, the trial court order denying appellant's motion to dismiss interest on legal financial obligations can also be considered by this Court based on the following: First, the ruling prejudically affects the decision in the notice, because if the trial court was correct that it could not consider

appellant's motion until after he is released from total confinement, then it would be correct to also deny the remission of interest cost in appellant's second motion for remission of costs. However, if the trial court was wrong in determining that appellant must wait until he is released from total confinement before motioning the trial court, then the trial court's order would be prejudical to appellant. Lastly, the order was made on the same day that the trial court entered its order in the instant appeal, which was before this Court accepted review. RAP 2.4(b).

STATEMENT OF ADDITIONAL GROUND # 2

Did the sentencing Court err when it determined that it did not have jurisdition over appellate Costs?

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RCW 10.73.160 provides in pertinent part:

(1) The court of appeals, Supreme court, and Superior Courts may require an adult offender convicted of an offense to pay appellate costs.

(4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment may <u>at any time</u> petition the court that sentenced the defendant ... for remission of the payment of costs or any unpaid portion. (Emphasis added).

This section allows a defendant to seek remission at any time. <u>State v. Blank</u>, 131 Wn.2d 230, 246, 930 P.2d 1213 (1997).

"The purpose of statutory construction is to give content and force to the language used by the Legislature." <u>State v. Wilson</u>, 125 Wn.2d 212, 216, 883 P.2d 320 (1994).

"We apply unambiguous statutes according to their plain language." <u>In re Pers Restraint of Skystad</u>, 160 Wn.2d 944, 948, 162 P.3d 413 (2007).

"The choice, interpretation, or application of a statute to a set of facts is a matter of law reviewed de novo." State v. Ashby, 141 Wn. App. 549, 555, 170 P.3d 596 (2007) (quoting State v. Law, 110 Wn. App. 36, 39, 38 P.3d 374 (2002)).

A trial court abuses its discretion if its decision is "manifestly unreasonable or based on untenable grounds." Wash. State Physicians Ins. Exch. & Ass'n v. Fisons Corp., 122 Wn.2d 299, 339, 858 P.2d 1054 (1993). "A decision is based 'on untenable grounds' or made 'for untenable reasons' if it rests on facts unsupported in the record or was reached by applying wrong legal standard." State v. Rohrich, 149 Wn.2d 647, 654, 71 P.3d 638 (2003) (quoting State v. Rundquist, 79 Wn. App. 786, 793, 905 P.2d 922 (1995)). And, "[a] trial court would

necessarily abuse its discretion if it based its ruling on an erroneous view of the law." Fisons Corp., 122 Wn.2d at 339.

In appellants case, the superior court ruled on May 10, 2018 that it did not have jurisdiction over appellate costs. See Exhibit A.

RCW 10.73.160(4) gives the Sentencing Court broad discretion whether to grant or deny a motion for remission of the payment of costs or of any unpaid portion, if it appears to the satisfaction of the Sentencing Court that payment will impose manifest hardship on the defendant, the Sentencing Court may remit all or part of the amount due in costs.

RCW 10.73.160(4) is unambiguous. Appellant petitioned the court that sentenced him on May 8, 2018. According to

the law in effect at the time of appellant's motion, the sentencing court had broad discretion to grant or deny the motion. The law is clear. The sentencing court's ruling, "that it did not have 'jurisdiction over appellate costs" is based on its erroneous view of the law.

Therefore, like Fisons Corp. Id., and Rohrich, Id., appellant asks this Court to rule that the sentencing court's failure to recognize its authority, in this regard, constitutes an abuse of discretion requiring remand of the sentencing court's ruling dated May 10, 2018.

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STATEMENT OF ADDITIONAL GROUND #3

Does RCW 10.82.090 violate Equal Protection guaranteed by the Fourteenth Amendment to the United State Constitution and article 1, section 12 of the Washington State Constitution when it treats appellant differently than other members of the civil debtor class by making him wait until released from total confinement?

Members of the civil judgment class include anyone who has a judgment against them, whether: (1) they are not incarcerated, (2) incarcerated and in partial confinement (work release or home detention); and (3) incarcerated and in total confinement (prison).

Financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. RCW 10.82.090 (1).

Equal protection under the law is guaranteed by both.

the Fourteenth Amendment to the United States Constitution and article 1, section 12 of the Washington State Constitution. State v. Hirschfelder, 170 Wn.2d 536, 550, 242 P.3d 876 (2010).

The appropriate level of scruting in equal protection claims depends upon the nature of the classification or rights involved. Am. Legion Post No. 149 v. Dep't of Health, 164 Wn.2d 570, 608, 192 P.3d 306 (2008).

There are three levels of scruting. First level is strict scruting. The second level is intermediate scruting. The third level is rational basis scruting. Am. Legion, 164 Wn.2d at 609 (quoting Romer v. Evans, 517 U.S. 620, 631, 116 S.Ct. 1620, 134 L.Ed.2d 855 (1996)).

Appellant claims that a rational basis level of scruting is appropriate when determining his claim.

"Social and economic legislation that does not implicate a suspect class or fundamental right is presumed to be rational; this presumption may be overcome by a clear showing that the law is arbitrary and irrational." Id. "'A legislative distinction will withstand a minimum scruting analysis if, first, all members of the class are treated alike; second, there is a rational basis for treating differently those within and without the class; and third, the classification is rationally related to the purpose of the legislation.'" Id. (quoting O'Hartigan v. Dep't of Pers., 118 Wn.2d 111, 122, 821 P.2d 44 (1991).

"[i]n order to defeat the legislation, the defendant must show beyond a reasonable doubt, that no state of facts exists or can be conceived sufficiently to justify the challenged classification, or that the facts have so far changed as to render the classification

arbitrary and obsolete." State v. Smith, 93 Wn.2d 329, 337, 610 P.2d 869 (1980).

In appellant's case, when he filed for remittance of costs on May 29, 2018, he asked the sentencing court to waive any interest still owing on any discretionary legal financial obligation. In addition, on June 20, 2018, appellant filed a motion to dismiss interest on legal financial obligations, in particular, restitution interest because appellant had paid the principal in full. See Exhibit B. On June 25, 2018, the sentencing court denied both of appellant's motions without prejudice to consideration of this issue when appellant is released from total confinement. See Exhibit C.

Under the first requirement of the minimum scruting analysis, Appellant claims that members of the civil debtor

Class are not treated alike when the Legislature allows Certain members of this class (2 out of 3) to motion the court at any time to waive or reduce discretionary legal financial obligation interest or restitution interest, while not allowing the third member of this class, to motion the court until released from total confinement.

Under the second requirement of the minimum scruting analysis, if assuming that people in total confinement represent a seperate class of debtors, there is no rational basis for allowing non-total-confinement debtors to petition the sentencing court, at any time, while requiring total-confinement debtors to wait until release; the same hardships apply: inability to pay. City of Richland v. Wakefield, 186 Wn.2d 596, 606, 380 P.3d 459 (2016). This normally would be the only thing

that a sentencing court had to consider. However, courts are now recognizing that incarcerated individuals in total confinement can suffer non economic harms, such as increased security classifications or restricted access to transitional classes or programming, as a result of legal financial orders. State v. Shirts, 195 Wn. App. 849, 857, 381 P.3d 1223 (2016).

Under the third requirement of the minimum scruting analysis, the purpose of the legislation is to allow debtors to demostrate to a court they suffer a hardship that warrants remission of the costs in order to protect the debtor from the collateral consequences caused by the debt. Nothing about being in, or not being in, total confinement is expressed in the purpose of the legislation. Therefore, the classification is not "rationally related to the purpose of the legislation." Id. at 609.

See also Exhibit D.

STATEMENT OF ADDITIONAL GROUND # 4

Are the Changes to RCW 10.01.160 (4), and RCW 10.73.160(4) in HB 1783 unconstitutional as outlined in Fuller v. Oregon, when the Legislature Changed the wording in the Statute from 'may petition the Court at any time' to 'may petition the court at any time after release from total Confinement?

After the United States Supreme Court issued its decision in Fuller v. Oregon, 417 U.S. 40, 945 S.Ct. 2116, 40 L.Ed. 2d 642 (1974), the Washington Legislature enacted parrallel statutes to the Oregon one upheld in Fuller. RCW 10.01.160 (4) permitted that "A defendant who has been ordered to pay costs ... may at any time petition the sentencing court for remission of the payment of costs or any unpaid portion thereof." RCW 10.01.160(4) (in part);

RCW 10.73.160 (4)(same).

This language was consistent with the U.S. Supreme Court's expectation that Oregon's employment of the ability "as any time" to seek remission based on hardship rendered challenge that it was discriminatory unfounded:

> The Oregon statute under consideration here suffers no such infirmity [discrimination which violate(s) the rights of citizens to equal treatment under the law].
>
> . . .
>
> The convicted person from whom recoupment is sought thus retains all the exemptions accorded other judgment debtors, in addition to the opportunity to show <u>at any time</u> that recovery of the costs of his legal defense will impose "manifest hardship".

<u>Fuller</u>, 417 U.S. at 47 (emphasis added; ruling "The legislation before us, therefore, is wholly free from discrimination that

was held in James v. Strange, [407 U.S. 128, 92 S.Ct. 2027, 32 L.Ed.2d 600 (1972)] to violate the Equal Protection Clause." at 47-48).

Washington's parrallel statutes remained the same until 2018 when the Legislature amended it to add discriminatory language forcing incarcerated civil debtors to wait until after release to petition the court for relief: "A defendant who has been ordered to pay costs ... may at any time after release from total confinement petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof." Laws of 2018, Chapter 269, sections 6 and 12. (added language underlined).

The added language creates precisely the "[un]equal treatment under the law" that would have struck down Oregon's

statute but for the provision that all "judgment debtors", no matter in what state of confinement, could petition "at any time" for remission of costs. Fuller, 417 U.S. at 47-48.

The revised language in RCW 10.01.160(4) and RCW 10.73.160(4) offends the logic of Fuller v. Oregon by employing discrimination. Therefore, it undermines the authority of the United States Supreme Court by enacting unequal treatment under the law, and is unconstitutional.

D. CONCLUSION

For the above stated reasons, appellant asks this Court to rule that the sentencing courts have jurisdiction over appellate costs.

Appellant additionally requests that this Court reverse the order of the trial court denying appellant's motion

to waive interest on discretionary legal financial obligations (Appellate costs) and/or restitution and remand back to the trial court to grant appellant's motion and waive all interest on discretionary legal financial obligations and/or restitution pursuant to this Court's opinion.

Appellant additionally requests that this Court find RCW 10.82.090(2) unconstitutional because it treats appellant differently than other members of the civil debtor class.

Appellant additionally requests that this Court find amended RCW 10.01.160(4) and RCW 10.73.160(4) unconstitutional when the Legislature changed the wording in the statute from 'may petition the court at any time' to 'may petition the court at any time after release from total confinement.'

Respectfully submitted this 1st day of March, 2019.

Michael Brady, Appellant pro se
Airway Heights Correctional Center
P.O. Box 2049 - 847662 - MA34 Lower
Airway Heights, Washington 99001-2049

EXHIBITS

A

PIERCE COUNTY SUPERIOR COURT
STATE OF WASHINGTON

TO: MICHAEL BRADY, Defendant **DATE: May 10, 2018**

CASE: STATE OF WASHINGTON VS. BRADY, MICHAEL JOSEPH
CAUSE NO.: 01-1-06116-1

COURT COMMISSIONERS/COURT STAFF ARE PRECLUDED FROM GIVING LEGAL ADVICE OR ASSISTING WITH THIS ORDER OF DEFICIENCY.

ENCLOSED ARE YOUR PAPERS. THESE PAPERS HAVE NOT BEEN PROCESSED FOR THE REASON(S) NOTED BELOW:

[ ] PERSONAL APPEARANCE REQUIRED.

[ ] DEFICIENCIES:

[ ] ORDERS NOT ENDORSED BY ATTORNEY

[ ] AFFIDAVIT(S)/ DECLARATIONS NOT COMPLETED/NOTARIZED

[ ] NO PROOF OF SERVICE/NON-MILITARY AFFIDAVIT/DECLARATION

[ ] DOD PRINTOUT TO COMPLY WITH SERVICE MEMBERS CIVIL RELIEF ACT (https://scra.dmdc.osd.mil/)

[ ] OVER ONE YEAR SINCE OTHER PARTY SERVED

[ ] YOUR POSITION RELATIVE TO ATTORNEY FEES/COSTS IS NOT KNOWN. WHAT IS THE BASIS OF YOUR REQUEST FOR ATTORNEY FEES/COSTS?

[ ] AMOUNT OF JUDGMENT DIFFERS FROM ANSWER TO WRIT OF GARNISHMENT

[ ] FORMAL PROOF CR 55 DECLARATION WITH SUPPORTING DOCUMENTS—CONTRACT/BILLING STATEMENTS; PROOF OF ASSIGNMENTS; EXPLANATION OF JUDGMENT CALCULATION; EXTRA CHARGES—SEE Ex Parte Policy

[ ] ORDER REQUIRED TO BE SUBMITTED ELECTRONICALLY WITH MANDATORY FEE AS REQUIRED BY PCLGR 30(b)(5)(A)

[X] SUBMISSION OTHERWISE INCOMPLETE OR DEFECTIVE:

Pierce County Superior Court does not have jurisdiction over appellate costs.

JUDGE

cc: Michael Joseph Brady
Jared Ausserer, DPA

EXHIBITS

B

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Respondent, v. MICHAEL JOSEPH BRADY, Defendant.	No. 01-1-06116-1 NOTE FOR MOTION TO DOCKET COURT CALENDAR (Clerk's Action Required)

To: Kevin Stock, Pierce County Superior Court Clerk, and Douglas J. Hill, Pierce County Deputy Prosecuting Attorney:

PLEASE TAKE NOTICE that Michael Joseph Brady, defendant acting pro se, moves the above entitled court on Friday, the 13th day of July, 2018, at 9:00 am, without oral argument, for a MOTION TO DISMISS INTEREST ON LEGAL FINANCIAL OBLIGATIONS, or as soon thereafter as the motion can be heard. [Note to Clerk: Inmate is confined and cannot call to confirm, he requests the clerk waive this requirement].

Nature of Case: Criminal

Address of hearing: Pierce County Superior Court, 930 Tacoma Avenue South, Rm. 334, Tacoma, Washington 98402-2108

DATED this 20th day of June, 2018.

Michael J. Brady, Defendant Pro Se

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Respondent, v. MICHAEL JOSEPH BRADY, Defendant.	)	No. 01-1-06116-1 MOTION TO DISMISS INTEREST ON LEGAL FINANCIAL OBLIGATIONS

COMES NOW, Michael Joseph Brady, Defendant Pro Se, and moves the Court for an ORDER DISMISSING INTEREST on restitution in this cause. I have faithfully and diligently made regular payments on this obligation and the principal balance is paid in full. The amount of interest owed on restitution only is $241.12.

DATED this 20th day of June, 2018.

Michael J. Brady, Defendant Pro Se

IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON, Respondent, v. MICHAEL JOSPEH BRADY, Defendant.	)	No. 01-1-06116-1 ORDER TO DISMISS INTEREST ON LEGAL FINANCIAL OBLIGATIONS

THIS MATTER being brought before the court upon motion by the defendant, for an ORDER DISMISSING INTEREST on this cause.

IT IS HEREBY ORDERED that:

Interest on restitution only, in the amount of $241.12 is hereby waived and the Clerk of the Court shall delete said interest from defendant's legal financial obligations.

_____
Judge

Presented By:

_____
Michael Joseph Brady, Defendant

DECLARATION OF MAILING

I, Michael J. Brady, declare that, on the 20th day of June, 2018, I placed the foregoing MOTION TO DISMISS INTEREST ON LEGAL FINANCIAL OBLIGATIONS and NOTE FOR DOCKET thereto related in the internal mail system of the Airway Heights Corrections Center, with appropriate postage, addressed to:

Kevin Stock, Court Clerk
Pierce County Superior Court
930 Tacoma Avenue South, Rm. 334
Tacoma, Washington 98402-2108

Douglas J. Hill, Deputy Prosecuting Attorney
Prosecuting Attorney's Office
930 Tacoma Avenue South
Tacoma, Washington 98402

I swear in accordance with the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED THIS 20th day of June, 2018.

Michael J. Brady - Defendant Pro Se
Airway Heights Corrections Center
P.O. Box 2049 - 847662 - MA34 Upper
Airway Heights, Washington 99001-2049

EXHIBITS

C

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff , vs. BRADY, MICHAEL JOSEPH, Defendant .	Cause No. 01-1-06116-1 **ORDER DENYING DEFENDANT'S MOTION FOR REMISSION OF THE PAYMENT OF COSTS OR ANY UNPAID PORTION PURSUANT TO RCW 10.73.160**

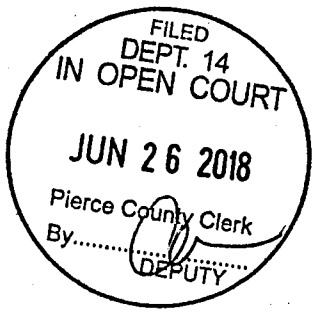
THIS MATTER having come on regularly before the undersigned Judge of the above-entitled Court upon the Defendant's "Motion for Remission of the Payment of Costs or any Unpaid Portion Pursuant to RCW 10.73.160." The Court solicited a response from the Pierce County Prosecuting Attorney and reviewed both Defendant's briefing and that of DPA Doug Hill. The statutes that allow for remission of costs, both trial and appellate, as well as interest, require consideration of whether a manifest hardship to the Defendant occurs " . . . at any time after release from total confinement." RCW 10.01.160(4); RCW 10.82.090(2); RCW 10.73.160(4). Now, therefore, it is hereby

ORDERED that Defendant's Motion for Remission of the Payment of Costs or any Unpaid Portion Pursuant to RCW 10.73.160 be and it is hereby DENIED WITHOUT PREJUDICE to consideration of this issue when Defendant is released from total confinement.

DATED this 25th day of June, 2018.

JUDGE SUSAN K. SERKO

cc: Doug Hill, DPA
Michael Brady (with statutes attached)
Pierce County Clerk for filing



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON, Plaintiff , vs. BRADY, MICHAEL JOSEPH, Defendant .	Cause No. 01-1-06116-1 **ORDER DENYING DEFENDANT'S MOTION TO DISMISS INTEREST ON LEGAL FINANCIAL OBLIGATIONS**

THIS MATTER having come on regularly before the undersigned Judge of the above-entitled Court upon the Defendant's "Motion to Dismiss Interest on Legal Financial Obligations" dated June 20, 2018. The Court having reviewed the Defendant's motion and the applicable statutes. The statutes that allow for remission of interest, require consideration of whether a manifest hardship to the Defendant occurs " . . . at any time after release from total confinement." RCW 10.01.160(4); RCW 10.82.090(2); RCW 10.73.160(4). Now, therefore, it is hereby

ORDERED that Defendant's Motion to Dismiss Interest on Legal Financial Obligations be and it is hereby DENIED WITHOUT PREJUDICE to consideration of this issue when Defendant is released from total confinement.

DATED this 25th day of June, 2018.

JUDGE SUSAN K. SERKO

cc: Doug Hill, DPA
Michael Brady
Pierce County Clerk for filing

EXHIBITS

D

H-177

HOUSE BILL NO. 1070

State of Washington **51st Legislature** **1989**
Regular Session

By Representatives Rector, Youngsman, G. Fisher, Padden, H. Myers, Patrick, Wolfe, Ferguson, D. Sommers, Walker, Wood, Dellwo, Kremen, P. King, Silver, Morris and Crane

Read first time 1/13/89 and referred to Committee on Judiciary.

AN ACT Relating to criminal procedure; amending RCW 9.95.062; adding a new section to chapter 10.64 RCW; and adding a new section to chapter 10.82 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. Section 2, chapter 42, Laws of 1955 as last amended by section 1, chapter 4, Laws of 1969 ex. sess. and RCW 9.95.062 are each amended to read as follows:

(1) An appeal by a defendant in a criminal action shall not stay the execution of the judgment of conviction, unless the court so orders after determining:

(a) By clear and convincing evidence that the defendant is not likely to flee or to pose a danger to the safety of any other person or the community if the judgment is stayed;

(b) That the delay resulting from the stay will not unduly diminish the deterrent effect of the punishment;

(c) That staying the judgment will not cause unreasonable trauma to the victims of the crime or their families;

(d) That the appeal raises a substantial question of law or fact that, if resolved in the defendant's favor by the appellate court, is likely to result in reversal; and

(e) That, to the extent of the defendant's financial ability, the defendant has either undertaken to pay the financial obligations under the judgment or has posted an adequate performance bond to assure payment.

(2) In case the defendant has been convicted of a felony, and has been unable to ((~~furnish a bail bond~~)) obtain release pending the appeal by posting a cash bond, cash, adequate security, release on personal recognizance, or any other conditions imposed by the court, the time ((~~he~~)) the defendant has been imprisoned pending the appeal shall be deducted from the term for which ((~~he~~)) the defendant was ((~~theretofore~~)) sentenced ((~~to the penitentiary~~)), if the judgment ((~~against him~~)) be affirmed.

NEW SECTION. Sec. 2. A new section is added to chapter 10.64 RCW to read as follows:

A defendant who has been found guilty of a felony and is awaiting sentencing shall be detained unless the court finds by clear and convincing evidence that the defendant is not likely to flee or to pose a danger to the safety of any other person or the community if released.

NEW SECTION. Sec. 3. A new section is added to chapter 10.82 RCW to read as follows:

Financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

DECLARATION OF MAILING

I, Michael Joseph Brady, declare that, on the 1st day of March, 2019, I placed the foregoing APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW thereto related with all exhibits, or copy thereof, in the internal legal mail system of the Airway Heights Corrections Center, with appropriate postage, addressed to:

Derek M. Byrne, Court Clerk
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, Washington 98402-4454

Mary Robnett, Prosecuting Attorney
Pierce County Prosecuting Attorney's Office
930 Tacoma Avenue South
Tacoma, Washington 98402

Kate Benward, Staff Attorney
Washington Appellate Project
1511 Third Avenue, Suite 610
Seattle, Washington 98101

I swear in accordance with the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 1st day of March, 2019

COURT OF APPEALS
DIVISION II
2019 MAR -7 PM 12: 13
STATE OF WASHINGTON
BY
DEPUTY

Michael J. Brady - Appellant Pro Se
Airway Heights Correctional Center
P.O. Box 2049 - 847662
Airway Heights, Washington 99001-2049