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Division II
State of Washington

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

STATE OF WASHINGTON,

Respondent,

v.

JASON SPAULDING,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF
CLALLAM COUNTY, STATE OF WASHINGTON
Superior Court No. 18-1-00339-2

BRIEF OF RESPONDENT

MARK B. NICHOLS
Prosecuting Attorney

JESSE ESPINOZA
Deputy Prosecuting Attorney

223 East 4th Street, Suite 11
Port Angeles, WA 98362-301

TABLE OF CONTENTS

TABLE OF CONTENTS..... i

TABLE OF AUTHORITIES ii

I. COUNTERSTATEMENT OF THE ISSUES 1

II. STATEMENT OF THE CASE 1

III. ARGUMENT 7

 A. THE DECISION TO NOT GRANT A SPECIAL SEX
 OFFENDER SENTENCE DUE TO THE LACK OF AN
 ESTABLISHED RELATIONSHIP BETWEEN SPAULDING AND
 THE VICTIM, CONCERN THAT HE WAS NOT AMENABLE TO
 TREATMENT AND THAT HE PRESENTED A RISK TO THE
 COMMUNITY WAS PROPER AND IS SUPPORTED BY THE
 RECORD..... 7

 1. The sentencing court’s denial of a SSOSA on the basis that
 the defendant’s relationship with the victim was not adequately
 established is supported by the record. 9

 2. The court properly exercised discretion by considering
 whether Spaulding was amenable to treatment by examining
 Dr. Comte’s report and the PSI and supporting documents. 13

 3. Remand for resentencing is not required because the
 sentencing court is likely to impose the same sentence..... 17

 B. THE PROVISION FOR NONRESTITUTION INTEREST
 SHOULD BE STRICKEN BUT THE SUPERVISION FEE
 SHOULD NOT BECAUSE IT IS NOT A COST UNDER RCW
 10.01.160..... 19

IV. CONCLUSION 21

CERTIFICATE OF DELIVERY 22

TABLE OF AUTHORITIES

Cases

<i>State v. Frazier</i> , 84 Wn. App. 752, 930 P.2d 345 (1997)	9, 12, 14, 18
<i>State v. Garcia-Martinez</i> , 88 Wn. App. 322, 944 P.2d 1104 (1997).....	8
<i>State v. Hays</i> , 55 Wn. App. 13, 776 P.2d 718 (1989).....	8, 9
<i>State v. Jackson</i> , 61 Wn. App. 86, 809 P.2d 221 (1991)	10, 12
<i>State v. Oliva</i> , 117 Wn. App. 773, 73 P.3d 1016 (2003)	10, 13, 14
<i>State v. Osman</i> , 157 Wn.2d 474, 139 P.3d 334 (2006).....	8
<i>State v. Ross</i> , 71 Wn. App. 556, 861 P.2d 473 (1993).....	17

Statutes

RCW 10.01.160(2).....	20
RCW 10.01.160(3).....	20
RCW 10.82.090(1).....	19
RCW 9.94A.670(2)(a)	7
RCW 9.94A.670(2)(e)	7
RCW 9.94A.670(4).....	7, 13
RCW 9.94A.703(2).....	20
RCW 9A.44.100(a).....	16

Rules

CrR 7.8(a)	20
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I. COUNTERSTATEMENT OF THE ISSUES

1. Whether the record supports the sentencing court's decision to not grant a SSOSA sentence on the basis that Spaulding did not have an established relationship with the victim, was not amenable to treatment, and presents a risk to the community?
2. Whether remand for resentencing is unnecessary because the record demonstrates the sentencing court is likely to impose the same sentence?
3. The State concedes that the provision in the judgment and sentence for nonrestitution interest should be stricken.
4. Whether the requirement that Spaulding pay supervision fees as determined by the Dept. of Corrections should not be stricken because it is not a cost prohibited by RCW 10.01.160(3) when the defendant is found indigent?

II. STATEMENT OF THE CASE

On Jan. 23, 2019, the defendant entered a plea of guilty to Indecent Liberties with Forcible Compulsion committed on Aug. 8, 2018 as alleged in the amended information. CP 91; RP 86, 95. The State and defense requested that the court order a presentence investigation (PSI) and informed the court that there would be a joint recommendation for a

special sex offender sentence alternative (SSOSA) if it was determined that Spaulding was eligible. RP 85, 90–91, 98. The trial court ordered the PSI as requested. RP 98.

Presentence Investigation CP 164–78

The PSI included a factual statement laying out the details and circumstances surrounding the offense. CP 164–68. This statement consisted of the Probable Cause Statement submitted by the Clallam County Sheriff’s Office (CCSO) which supported the filing of the information charging Spaulding with the crime of Rape in the Second Degree by Forcible Compulsion. CP 164, 300.

K.M. is the adult victim in this case. K.M. did not know Spaulding when he contacted her on Aug. 1, 2018 via Facebook messenger. RP 165. K.M. and Spaulding messaged several times through Aug. 4, 2018, before they happened to with meet with mutual friends at an apartment in Port Angeles, Washington. CP 165. These friends included Charles Creed, Carson Tholt, and Sarah Roberts. CP 165. K.M then went with Spaulding, in his BMW, along with the other friends to Sequim where they stopped at Walmart. CP 165. At Walmart, Spaulding spent \$100 to purchase makeup, clothing, and items for K.M. and Spaulding was behaving in a flirtatious manner toward K.M. by touching and grabbing her buttocks. CP 165. K.M. “tolerated the conduct so that she would not disenchant Spaulding;

she believed they were developing a relationship and she was going to live with him.” CP 165.

From Walmart, the group went to Spaulding’s home where he became more physical and controlling. CP 165. As Spaulding and K.M. began preparing a room for K.M. Spaulding became more aggressive. CP 165. In the afternoon, while the others in the group were either outside Spaulding’s home washing a car or running errands, Spaulding threw K.M. onto a chair, pulled her top above her head, pinned her arms back, pulled down her pants and then engaged in sexual intercourse with K.M. for about ten minutes. CP 165.

When Spaulding was done, he left K.M. to take a shower and K.M. ran outside topless and crying. CP 165. Spaulding came out of the house and K.M. pretended to be composed to prevent angering Spaulding and retrieved her top and phone and attempted to leave on foot. CP 165. Spaulding chased her down on his scooter, put her on the back seat, and took her back to the house. CP 165. K.M. left the house two more times but Spaulding pursued her and brought her back in his car. CP 165.

Finally, Tholt, one of the friends in the group, left with K.M. CP 165. Spaulding came after them on foot but they escaped and ran to a nearby house where a man came out with a gun and kept Tholt and K.M. in the front yard and called 911 as Spaulding fled. CP 165.

Sentencing

The sentencing judge read the PSI report prior to sentencing. RP 107. The sentencing judge also read the psychosexual evaluation and treatment plan by Dr. Michael Comte. CP 124–44, 157. This evaluation included and referred to a Sexual History Polygraph. CP 126, 140–44.

At sentencing on April 10, 2019, the State and defense recommended that the court grant Spaulding a SSOSA. RP 112, 121. The trial court did not believe that Spaulding and K.M. had an established relationship which satisfied the purposes of the SSOSA. RP 122–23. The court stated, “The way I read this, there was various text messages that occurred on August 1st, 2nd, 3rd and 4th and the very first time they met in person was August 8th in the morning, picked [her] up, went to Walmart, went to the residence where they were and by that afternoon this event has occurred where there’s -- they’ve known each other in person now for probably less than 12 hours.” RP 122–23. “I mean, these people were strangers for all intensive purposes and then suddenly engaging in behavior that is unwanted.” RP 123.

The court then heard from defense counsel and Spaulding before providing a lengthy explanation for its concerns in regards to the recommendation for a SSOSA. RP 126–128. The court cited the brief nature of the relationship between K.M. and Spaulding, Spaulding’s

seeming inability to accurately describe and admit all aspects of the crime and significantly understating the level of resistance of the victim as reasons for denying a SSOSA sentence. RP 127–128.

The sentencing judge filed a Memorandum Opinion on Sentencing explaining the court’s reasons for declining to grant a SSOSA sentence. CP 157–59. The sentencing judge, consistent with the oral ruling, found that although there was an existing relationship, there was no established relationship. CP 157–58. The judge found that a “an established relationship is not created by a few phone calls and social media contacts over a few days, followed by in person contact for a few hours prior to the commission of the crime.” CP 158.

The sentencing judge also found that Spaulding was not amenable to treatment citing inaccurate self-reporting of his past and failure to admit to all aspects of the crime during his psychosexual evaluation with Dr. Comte. CP 158. For instance, Spaulding denied penile penetration even though semen with his DNA was found in the victim’s vaginal vault. CP 158. Spaulding suggested that the DNA came from a towel. CP 158. The court also pointed out that Spaulding admitted the victim “mumbled no” during the sexual assault but felt justified in continuing with his behavior although other objective evidence suggested the victim’s resistance was far greater than Spaulding suggested. CP 158.

Dr. Comte's evaluation also revealed that Spaulding did not believe he has a sexual problem. CP 139. Finally, during his polygraph, Spaulding denied forcing another individual to have sex with him. CP 141. The evaluator opined that Spaulding was not attempting deception when denying the use of such force. CP 140.

The sentencing court ultimately declined to grant a SSOSA and, instead, imposed a minimum term of 66 months and a maximum term of the statutory maximum. CP 96; RP 128–29, 137. The judgement and sentence was entered on April 17, 2019. CP 91.

The court found Spaulding lacked the financial resources to pay discretionary legal financial obligations. RP 137. The sentencing court also imposed legal financial obligations (LFOs) consisting of only a mandatory \$500.00 crime victim assessment and no discretionary LFOs. CP 98–100. However, the judgement contains boilerplate language requiring that LFOs imposed “shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments.” CP 101. Additionally, Appendix H of the Judgment and Sentence requires Spaulding to “[p]ay supervisions fees as determined by the Department of Corrections.” CP 109. The defendant did not object to any LFO's, interest, or supervision fees. RP 115, 137–39.

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III. ARGUMENT

A. THE DECISION TO NOT GRANT A SPECIAL SEX OFFENDER SENTENCE DUE TO THE LACK OF AN ESTABLISHED RELATIONSHIP BETWEEN SPAULDING AND THE VICTIM, CONCERN THAT HE WAS NOT AMENABLE TO TREATMENT AND THAT HE PRESENTED A RISK TO THE COMMUNITY WAS PROPER AND IS SUPPORTED BY THE RECORD.

An offender is eligible for the special sex offender sentencing alternative if:

- (a) The offender has been convicted of a sex offense If the conviction results from a guilty plea, the offender must, as part of his or her plea of guilty, voluntarily and affirmatively admit he or she committed all of the elements of the crime to which the offender is pleading guilty. . . .
- (e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime[.]

RCW 9.94A.670(2)(a), (2)(e).

After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, *consider whether the offender is amenable to treatment, consider the risk the offender would present to the community,* The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment.

RCW 9.94A.670(4) (emphasis added).

“The decision to impose a SSOSA is entirely within the trial court's discretion.” *State v. Osman*, 157 Wn.2d 474, 482, 139 P.3d 334 (2006) (citing *State v. Onefrey*, 119 Wn.2d 572, 575, 835 P.2d 213 (1992)).

“A court abuses its discretion if it categorically refuses to impose a particular sentence or if it denies a sentencing request on an impermissible basis.” *Osman*, 157 Wn.2d at 482 (citing *State v. Khanteechit*, 101 Wn. App. 137, 139, 5 P.3d 727 (2000)).

“A court relies on an impermissible basis for declining to impose an exceptional sentence below the standard range if it takes the position, for example, that no drug dealer should get an exceptional sentence down or it refuses to consider the request because of the defendant's race, sex or religion.” *State v. Garcia-Martinez*, 88 Wn. App. 322, 330, 944 P.2d 1104 (1997).

Furthermore, “[a]n abuse of discretion occurs only when the decision or order of the court is ‘manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons’.” *State v. Hays*, 55 Wn. App. 13, 16, 776 P.2d 718 (1989) (quoting *State v. Cunningham*, 96 Wn.2d 31, 34, 633 P.2d 886 (1981) (quoting *State v. Blight*, 89 Wn.2d 38, 41, 569 P.2d 1129 (1977))).

“[D]iscretion is abused only where it can be said no reasonable man would take the view adopted by the trial court.” *Hays*, 55 Wn. App. at 16 (quoting *Blight*, at 41).

Here, the court considered the recommendations of the parties and the PSI and psychosexual evaluation before arriving at its decision. Therefore the court did not categorically refuse to consider a SSOSA. Further, the trial court did not deny Spaulding’s sentencing request on the basis of race, sex, or religion or any categorical or impermissible reason.

Rather, the court declined to impose a SSOSA because it did not believe that Spaulding’s relationship or connection with the victim was an established relationship. Additionally, the court had concerns Spaulding was not amenable to treatment and that he presented a risk to the community. These are not impermissible reasons for denying a SSOSA and the court’s decision is supported by the record.

1. The sentencing court’s denial of a SSOSA on the basis that the defendant’s relationship with the victim was not adequately established is supported by the record.

The sentencing court is not bound to only consider eligibility and other statutory factors when deciding whether to grant a SSOSA sentence. *See State v. Frazier*, 84 Wn. App. 752, 754, 930 P.2d 345 (1997) (citing *Hays*, 55 Wn. App. at 15) (holding that the trial court does not have any

statutory obligation to give reasons for its determination or to enter any findings).

When determining whether a sentencing court abused its discretion in denying a SSOSA, the court looks to “whether the trial court's decision is supported by the record.” *State v. Oliva*, 117 Wn. App. 773, 780, 73 P.3d 1016 (2003) (citing *State v. Frazier*, 84 Wn. App. 752, 754, 930 P.2d 345 (1997)).

Here, regardless of technical eligibility, the court did not believe that Spaulding’s relationship with K.M. was sufficiently established for the purposes underlying the SSOSA statute. The record supports the court’s decision.

As Spaulding points out, one of the original intents of the SSOSA statute was to increase reporting by encouraging family members of offenders to come forward knowing there could be an alternative focusing on treatment rather than imprisonment. *See State v. Jackson*, 61 Wn. App. 86, 92–93, 809 P.2d 221 (1991).

The facts of this case are far more aligned with a stranger rape scenario than a “case of intrafamily abuse.” *Jackson*, 61 Wn. App. at 92. The record shows Spaulding raped K.M. at the very first opportunity, the day they met in person. Spaulding waited until after the other friends were either outside or elsewhere running errands before raping K.M. K.M. and

Spaulding were strangers, having met for the first time in person the day of the rape. Spaulding and K.M. are not family members.

Further, K.M. herself pointed out that she did not have an established relationship with Spaulding. When K.M. met with Spaulding with the group of mutual friends, Spaulding was acting flirtatious and grabbing her buttocks although they had just met face to face for the first time. K.M. did not object at the time because they were “developing a relationship” and she was going to move in to Spaulding’s house in a room they would prepare for her to stay in.

Developing a new relationship means that there is not yet an *established* relationship. This comports with the facts that as of Aug. 1, K.M. did not even know who Spaulding was when she was contacted via Facebook Messenger. As of Aug. 8, the day of the crime K.M. and Spaulding had never met each other in person. They had only exchanged some Facebook messages from Aug. 1 through Aug. 4. Evidently, they met on Aug. 8 at a mutual friend’s apartment out of happenstance rather than any plan to meet face to face. CP 164. At best, this was a new acquaintanceship.

Spaulding argues that a SSOSA sentence in his case would not offend the purposes of the SRA. Spaulding’s argument suggests that the meaning of established relationship has changed with the advent of

technology and how quickly some people establish relationships. Br. of Appellant at 15. This argument fails because although technology may increase access for people to meet and communicate, quick access to chat rooms or messaging boards does not necessarily translate to a quick and established relationship as contemplated by the SSOSA statute.

Moreover, K.M. ran crying and topless from Spaulding's home and attempted multiple escapes by the time a neighbor called 911. Thus, a SSOSA alternative had absolutely no role in increasing the likelihood that K.M. would report the sexual assault to the police.

Finally, the court is not required to grant a SSOSA regardless of an offender's eligibility. Legislature has determined that "trial courts should be permitted to consider a treatment alternative if the defendant and the community would benefit." *Jackson*, 61 Wn. App. at 93. Thus, the sentencing court is not bound to *only* consider eligibility and other statutory factors when deciding whether to grant a SSOSA. *See Frazier*, 84 Wn. App. at 754 (citing *Hays*, 55 Wn. App. at 15)

Deciding whether to grant a SSOSA is not a mere exercise of determining eligibility based on a list of statutory factors and the court still has discretion to grant or deny a SSOSA regardless of eligibility. The absence of an established relationship as contemplated by the court is not

an impermissible basis upon which to deny a SSOSA in this case because the facts show that the assault was closer to a stranger rape scenario.

The record supports the sentencing court's determination that there was not an adequately established relationship which would make Spaulding an appropriate candidate for a SSOSA. At best, reasonable minds could differ. Therefore, the court did not abuse its discretion by declining to impose a SSOSA and the sentence should be affirmed.

2. The court properly exercised discretion by considering whether Spaulding was amenable to treatment by examining Dr. Comte's report and the PSI and supporting documents.

If an offender is eligible for a SSOSA, the court must still consider, among other factors, whether the offender is amenable to treatment and the risk the offender would present to the community. RCW 9.94A.670(4). When considering whether an offender is amenable to treatment, a trial court considers whether "given his background, history, social and economic circumstances, and psychological condition, could both he and the community benefit from community-based treatment under SSOSA." *State v. Oliva*, 117 Wn. App. 773, 780, 73 P.3d 1016 (2003).

In *Olivia*, the offender challenged the court's denial of a SSOSA on the basis that the offender was not amenable to treatment. In *Olivia's* PSI, DOC Risk Management Specialist Michael Tilton "concluded that Mr. Oliva was a poor candidate for SSOSA for a number of reasons: (1)

his extensive criminal record; (2) lack of financial support from family, friends, or employment; (3) a history of ongoing substance abuse; and (4) *lack of honesty about his current offense.*” *Oliva*, 117 Wn. App. at 776–77 (emphasis added).

The *Olivia* Court upheld the trial court’s decision refusing to grant a SSOSA because the record supported the court’s determination that *Olivia* was not amenable to treatment. *Oliva*, 117 Wn. App. at 776.

Additionally, in *State v. Frazier*, the Court of Appeals also upheld the trial court’s denial of a SSOSA on the basis that the offender was dishonest about the crime. 84 Wn. App. 752, 754, 930 P.2d 345 (1997).

In *Frazier*, the trial court pointed out the fact that “Mr. Frazier lied while testifying and denied committing the offense until after his conviction suggests that neither Mr. Frazier nor the community would benefit from a SSOSA sentence.” 84 Wn. App. at 754. The *Frazier* Court held that “the court's findings therefore amply support the sentencing court's discretionary decision not to order SSOSA.” *Id.* at 754.

Similarly to *Olivia* and *Frazier*, the trial court found that Spaulding was not amenable to treatment and that the lack of amenability creates risks to the community. CP 158. The court’s reasoning was based on Spaulding’s apparent “lack of insight, lack of candor about the crime and,

and inability to accurately report and understand events.” CP 38. The sentencing court’s findings are supported by the record.

For instance, Dr. Compte reported that Spaulding denied using physical force to make another have sex with him, yet, “[h]e is acknowledging the alleged victim did, “mumble ‘no’,” during the alleged assault, but he said he did not take her refusal seriously and continued to sexually interact with her.” CP 137.

The court pointed out that the “objective evidence is that the victim’s resistance to [Spaulding’s] actions was far greater tha[n] a mumbled denial of consent. Her level of resistance is best captured by the fact that she felt that the need to get away from Mr. Spaulding was so urgent that it trumped the time it would have taken to put on her clothes and leave the house fully dressed.” CP 158. Moreover, the police had to be called to K.M.’s aid by a neighbor after multiple attempts to escape before Spaulding fled.

Dr. Compte also stated that “I suspect [Spaulding] might not qualify for SSOSA, because he is not admitting to all aspects of the alleged assault. Specifically, he is denying penile penetration of the alleged victim.” CP 138. The court pointed out that Spaulding denies such penetration despite evidence that semen with his DNA was found in the

victim's vaginal vault. CP 37. Rather Spaulding suggested his DNA been found where it was because the victim used a towel of his. CP 37.

Additionally, although Spaulding entered a plea of guilty admitting to the elements of the offense of Indecent Liberties, he later denied that he ever used physical force to have sexual contact with anyone. Forcible compulsion is an element of Indecent Liberties. *See* RCW 9A.44.100(a) (“A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another: (a) *By forcible compulsion*[.]”)(emphasis added).

Finally, Spaulding did not believe he had a sexual problem (CP 139) despite Dr. Compte's description of Spaulding's hypersexuality and obsessive and compulsive interest in pornography as evidence that Spaulding needs to undergo a treatment program with a Certified Sex Offender Treatment Provider. CP 138. The trial court agreed with the evaluator that “it is difficult to advocate for probation.” CP 159.

Mr. Seaberg, the polygraph examiner, opined that Spaulding was not attempting deception when he denied using physical force in order to have sexual contact with anyone. CP 135. However, Dr. Compte points out that “polygraph examination tests what the subject believes is true and not necessarily the reality of the situation.” CP 135.

Here, the numerous contradictions between reported events and Spaulding's misperceptions of those events show that Spaulding was not able or willing to accurately pair his actions with reality. In turn, this supports the court's conclusion that Spaulding was not amenable to treatment and that he presented a risk to the community.

Regardless of technical eligibility, the record supports the court's decision to not grant a SSOSA sentence based upon concerns that Spaulding was not amenable to treatment and that he presented a risk to the community. Therefore, this Court should affirm the sentence.

3. Remand for resentencing is not required because the sentencing court is likely to impose the same sentence.

"A remand is not mandated when the reviewing court is confident that the trial court would impose the same sentence when it considers only valid reasons." *State v. Ross*, 71 Wn. App. 556, 567, 861 P.2d 473 (1993) (citing *State v. Pryor*, 115 Wn.2d 445, 456, 799 P.2d 244 (1990); *State v. Fisher*, 108 Wn.2d 419, 430 n. 7, 739 P.2d 683 (1987)).

In *Ross*, the trial court sentenced Ross to an exceptional sentence of 70 years for the crime of Murder in the Second Degree. 71 Wn. App. at 561. The *Ross* Court determined that some of the factors the sentencing court relied upon in ordering an exceptional sentence were either not supported by the record or did not justify the sentence. *Id.* at 562–67.

These factors were identified as Zone of Privacy, Escalation of Violence, and Future Dangerousness/Lack of Amenability to Treatment and the Extraordinary Danger the Defendant Presents to Women. *Id.* at 566–67.

Nevertheless, the *Ross* Court affirmed the sentence because the sentencing court “did not base its decision to impose an exceptional sentence on future dangerousness and we have upheld 4 of the 6 reasons on which it did rely[.]” *Id.* at 568.

Here, the sentencing court was not bound to only consider eligibility and other statutory factors when deciding whether to grant a SSOSA sentence. *See Frazier*, 84 Wn. App. at 754 (citing *Hays*, 55 Wn. App. at 15) (holding that the trial court does not have any statutory obligation to give reasons for its determination or to enter any findings).

The record demonstrates that the court considered the PSI, the psychosexual evaluation, the facts of the case, and heard argument from the parties and determined that Spaulding was not a good candidate for a SSOSA. The court pointed out that Spaulding and the victim barely knew each other, the victim fled the house half naked and Spaulding did not convey a recognition that the incident was “far beyond a simple misunderstanding.” RP 128.

The court wrote that it did not believe a SSOSA was appropriate because of Spaulding’s “lack of insight, lack of candor about the crime,

and inability to accurately report and understand events all indicate that he is not amenable to treatment, and he does present a risk to the community.” CP 159. The court’s decision was well within its discretion and was not such that no reasonable person could agree.

Thus, even if it is determined that Spaulding is technically eligible the sentencing court is likely to impose the same sentence because of its underlying concerns above and beyond eligibility. Therefore resentencing is not required and the Court should affirm the sentence.

B. THE PROVISION FOR NONRESTITUTION INTEREST SHOULD BE STRICKEN BUT THE SUPERVISION FEE SHOULD NOT BECAUSE IT IS NOT A COST UNDER RCW 10.01.160.

The State concedes that the provision requiring the payment of non-restitution interest should be stricken from the judgment and sentence.

RCW 10.82.090(1) provides:

Except as provided in subsection (2) of this section, restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations.

Spaulding committed the crime on Aug. 8, 2018 and was sentenced on April 17, 2019, therefore, RCW 10.82.090(1) applies.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. . . .

(3) The court shall not order a defendant to pay *costs* if the defendant at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). In determining the amount and method of payment of costs for defendants who are not indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

RCW 10.01.160(2), (3) (emphasis added).

“Unless waived by the court, as part of any term of community custody, the court shall order an offender to: (d) Pay supervision fees as determined by the department[.]” RCW 9.94A.703(2) (Waivable conditions).

The requirement that Spaulding pay supervision fees as determined by DOC should not be stricken from the judgment because, although the fee is discretionary, is not a cost as defined under RCW 10.01.160(2). The supervision fee is a waivable condition imposed in the sentence and incurred during supervision, not a cost “specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program[.]” RCW 10.01.160(2). Therefore, the supervision fees are not prohibited upon a finding that Spaulding was indigent.

However, considering the trial court found Spaulding unable to pay costs and only imposed mandatory LFOs, this Court may wish to allow the trial court the opportunity to readdress the imposition of this discretionary assessment as it may have been overlooked and unintended. *See* CrR

7.8(a) (“Clerical mistakes in judgments . . . arising from oversight or omission may be corrected by the court at any time . . .”).

IV. CONCLUSION

The sentencing court decided to not grant a SSOSA because Spaulding’s relationship with the victim was not established, he was not amenable to treatment, and he presents a risk to the community. The court’s decision is supported by the record. Further, considering the facts of the case, it cannot be said that no reasonable person would take the view adopted by the court. Therefore, the court did not abuse its discretion and the Court should affirm the sentence.

Further, the trial court is likely to impose the sentence based on permissible factors and therefore resentencing is not required.

The State concedes that the provision for nonrestitution interest should be stricken. The requirement to pay supervision fees is not a cost subject to RCW 10.01.160 and should not be stricken.

Respectfully submitted this 2nd day of December, 2019.

MARK B. NICHOLS
Prosecuting Attorney



JESSE ESPINOZA
WSBA No. 40240
Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

Jesse Espinoza, under penalty of perjury under the laws of the State of Washington, does hereby swear or affirm that a copy of this document was forwarded electronically or mailed to Peter B. Tiller., on December 2, 2019.

MARK B. NICHOLS, Prosecutor



Jesse Espinoza

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