

FILED
Court of Appeals
Division II
State of Washington
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No. 53404-5-II

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

STATE OF WASHINGTON,

Respondent,

v.

ROSS CULLEN PLUMB,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR PIERCE COUNTY

BRIEF OF APPELLANT

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A. ASSIGNMENT OF ERROR

The trial court erred in ordering that interest accrue on discretionary legal financial obligations.

B. ISSUE PERTAINING TO ASSIGNMENT OF ERROR

Courts sentencing authority is by statute. RCW 10.82.090 bars the accrual of interest on discretionary financial obligations for those deemed to be indigent. The Judgment and Sentence here included a boilerplate provision that required the accrual of interest on *all* legal financial obligations despite Mr. Plumb being found indigent. Should the accrual of interest provision be stricken as beyond statutory authority?

C. STATEMENT OF THE CASE

Ross Plumb pleaded guilty to one count of third degree assault and sentenced to the statutory maximum sentence of 60 months. CP 27-36, 40-53; 3/13/2019RP 3-11. In addition, the trial court imposed the \$500 victim penalty assessment. CP 45; 3/13/2019RP 12. A boilerplate paragraph in section 4.1 of the judgment and sentence requires accrual of interest on all legal financial obligations:

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090.

CP 45.

D. ARGUMENT

Courts lack statutory authority to order interest to accrue on discretionary legal financial obligations on an indigent defendant.

The 2018 amendment to the statutes authorizing legal financial obligations prohibits trial courts from imposing discretionary legal financial obligations on defendants who are indigent at the time of sentencing. LAWS OF 2018, ch. 269, § 6(3); *State v. Ramirez*, 191 Wn.2d 732, 746, 426 P.3d 714 (2018). *Ramirez* held that the amendment applies prospectively. *Id.*, 191 Wn.2d at 747.

Among the changes was an amendment to RCW 10.82.090(1) to provide that “[a]s of June 7, 2018, no interest shall accrue on nonrestitution legal financial obligations.” LAWS OF 2018, ch. 269, §§ 1, 17(2)(h), 18.

The trial court found Mr. Plumb indigent at sentencing and he remains indigent on appeal. 3/13/2019RP 12. The judgment language requiring interest on his legal financial obligations is contrary to RCW 10.82.090(1). Accordingly, trial court erred in ordering interest to accrue on the \$600 in legal financial obligations and the accrual provision should be stricken.

F. CONCLUSION

For the reasons stated, Mr. Plumb asks this Court to strike the accrual of interest on discretionary legal financial obligations portion of the Judgment and Sentence.

DATED this 24th of June 2020.

Respectfully submitted,

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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO**

STATE OF WASHINGTON,)	
)	
Respondent,)	
)	NO. 53404-5-II
v.)	
)	
ROSS PLUMB,)	
)	
Appellant.)	

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SIGNED IN SEATTLE, WASHINGTON THIS 24TH DAY OF JUNE, 2020.



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