

FILED  
Court of Appeals  
Division II  
State of Washington  
5/26/2020 9:51 AM

No. 53917-9-II

IN THE COURT OF APPEALS OF THE STATE OF  
WASHINGTON,

DIVISION II

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STATE OF WASHINGTON,

Respondent,

vs.

JOSEPH EDWARD O'NEAL

Appellant.

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RESPONDENT'S BRIEF

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RYAN JURVAKAINEN  
Prosecuting Attorney  
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**I. ISSUE**

1. Should the trial court's imposition of the \$200 criminal filing fee and the \$100 domestic violence assessment at sentencing be vacated in light of the Appellant's indigent status?

**II. SHORT ANSWER**

1. Yes. The trial court failed to properly inquire into the Appellant's ability to pay legal financial obligations. Therefore, the imposition of the \$200 criminal filing fee and \$100 domestic violence assessment should be vacated.

**III. STATEMENT OF THE CASE**

The State agrees with the appellant's recitation of the facts in its brief.

**IV. ARGUMENT**

The Appellant is indigent. At sentencing, the trial court did not conduct an inquiry into the Appellant's ability to pay his legal financial obligations. In light of *State v. Ramirez*, 191 Wn. 2d 732, 426 P.3d 714 (2018), the State agrees that the trial court's imposition of the \$200 criminal filing fee and \$100 domestic violence assessment should be vacated.

V. CONCLUSION

The case should be remanded back to vacate trial court's imposition of the \$200 criminal filing fee and \$100 domestic violence assessment.

Respectfully submitted this 22 day of May, 2020.

RYAN P. JURVAKAINEN  
Prosecuting Attorney



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SEAN M. BRITTAIN  
WSBA #36804  
Deputy Prosecuting Attorney  
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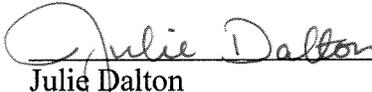
**CERTIFICATE OF SERVICE**

I, Julie Dalton, do hereby certify that the opposing counsel listed below was served RESPONDENT'S BRIEF electronically via the Division II portal:

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I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Kelso, Washington on May 26, 2020.

  
\_\_\_\_\_  
Julie Dalton

**COWLITZ COUNTY PROSECUTING ATTORNEY'S OFFICE**

**May 26, 2020 - 9:51 AM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
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