

FILED
Court of Appeals
Division III
State of Washington
10/18/2018 4:44 PM

No. 35751-1-III

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

STATE OF WASHINGTON,

Respondent,

v.

PETER J. ARENDAS,

Appellant.

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

SUPPLEMENTAL BRIEF OF APPELLANT

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Pursuant to recent amendments to the laws on legal financial obligations, this Court should order the trial court to strike \$200 in legal financial obligations against Mr. Arendas.

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A. ARGUMENT

Pursuant to recent amendments to the laws on legal financial obligations, this Court should order the trial court to strike \$200 in legal financial obligations against Mr. Arendas.

Effective June 7, 2018, the laws on legal financial obligations were amended to prohibit, *inter alia*, imposition of a criminal filing fee against an individual who is indigent. RCW 36.18.020(2)(h); RCW 10.101.010 (a)-(c).¹ The amendments apply prospectively to criminal cases that are on appeal and not yet final. *State v. Ramirez*, No. 95249-3, 2018 WL 4499761 (Wash. Sept. 20, 2018).

Mr. Arendas represented himself at trial with the assistance of appointed stand-by counsel. CP 29-31. Presumably he qualified for

¹ RCW 36.18.020(2)(h) provides:

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

RCW 10.101(3) (a) through (c) provides:

- (3) “Indigent” means a person who, at any stage of a court proceeding, is:
- (a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or
 - (b) Involuntarily committed to a public mental health facility; or
 - (c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; ...

assigned counsel due to indigence although that is not included in the record. Mr. Arendas was convicted of assault in the third degree and criminal trespass in the first degree. CP 84-85. At sentencing, without any inquiry into Mr. Arendas's ability to pay, the court imposed, *inter alia*, the \$200 criminal court filing fee. CP 90; RP 529-30. At the same time, the court suspended the entire \$5000 fine for the felony conviction and did not impose any other discretionary costs. RP 530. Subsequently, Mr. Arendas was found indigent for purposes of appeal. CP 101-02.

Unless this Court reverses Mr. Arendas's convictions and orders a new trial, this Court should order the trial court to strike the \$200 criminal court filing fee, in accordance with RCW 36.18.020(2)(h) and *Ramirez*.

DATED this 18th day of October 2018.

Respectfully submitted,

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

STATE OF WASHINGTON,)	
)	
RESPONDENT,)	
)	NO. 35751-1-III
v.)	
)	
PETER ARENDAS,)	
)	
APPELLANT.)	

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WASHINGTON APPELLATE PROJECT

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