

FILED  
Court of Appeals  
Division III  
State of Washington  
11/7/2018 9:38 AM

NO. 36009-1-III

COURT OF APPEALS  
STATE OF WASHINGTON  
DIVISION III

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**STATE OF WASHINGTON,**

Plaintiff/Respondent,

V.

**SIMON CHARLES P. CRIBBS,**

Defendant/Appellant.

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**SUPPLEMENTAL BRIEF OF APPELLANT**

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Attorney for Appellant  
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## ASSIGNMENT OF ERROR

1. The trial court erroneously imposed a \$200.00 filing fee when it sentenced Simon Charles P. Cribbs on May 1, 2018.

## ISSUE RELATING TO ASSIGNMENT OF ERROR

1. Even though the trial court was unaware that the Legislature was going to enact a new statute effective June 7, 2018, did the enactment of that statute result in the need to relieve Mr. Cribbs of the obligation to pay a filing fee?

## ARGUMENT

On September 20, 2018 the State Supreme Court entered its opinion in *State v. Ramirez*, slip opinion 95249-3.

Counsel was aware of the enactment of ESHB 1783, **LAWS OF 2018**, but was unaware that the Supreme Court would rule that it applied prospectively.

On November 1, 2018 Mr. Cribbs filed a Motion to File Supplemental Brief. The Court of Appeals granted that Motion on November 5, 2018.

The following excerpt from the *Ramirez* decision supports Mr. Cribbs' position that he should be relieved of the obligation to pay a court filing fee:

After we granted review, the legislature enacted House Bill 1783 which amends former RCW 10.01.160 (3) to categorically prohibit the imposition

of any discretionary costs on indigent defendants. Laws of 2018, ch. 269, § 6 (3). House Bill 1783 also amends the criminal filing fee statute, former RCW 36.18.020 (2)(h)(2015), to prohibit courts from imposing the \$100.00 filing fee on indigent defendants. Laws of 2018, ch. 269, § 17 (2)(h).

*State v. Ramirez, slip opinion, p. 7.*

The \$200.00 filing fee should be removed from the Judgment and Sentence.

DATED this 7th day of November, 2018.

Respectfully submitted,

s/ Dennis W. Morgan

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**NO. 36009-1-III**

**COURT OF APPEALS**

**DIVISION III**

**STATE OF WASHINGTON**

STATE OF WASHINGTON,	)	
	)	FERRY COUNTY
Plaintiff,	)	NO. 18 1 00009 1
Respondent,	)	
	)	
v.	)	<b>CERTIFICATE OF SERVICE</b>
	)	
SIMON CHARLES P. CRIBBS,	)	
	)	
Defendant,	)	
Appellant.	)	
_____	)	

I certify under penalty of perjury under the laws of the State of Washington that on this 7th day of November, 2018, I caused a true and correct copy of the *SUPPLEMENTAL BRIEF OF APPELLANT* to be served on:

COURT OF APPEALS, DIVISION III  
Attn: Renee Townsley, Clerk  
500 N Cedar St  
Spokane, WA 99201

E-FILE

CERTIFICATE OF SERVICE

Ferry County Prosecuting Attorney  
Attn: Kathryn I. Burke  
[kiburke@wapa-sep.wa.gov](mailto:kiburke@wapa-sep.wa.gov)

E-FILE

Simon Cribbs #411130  
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U.S. MAIL

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**November 07, 2018 - 9:38 AM**

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**Superior Court Case Number:** 18-1-00009-2

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