

FILED  
Court of Appeals  
Division III  
State of Washington  
5/15/2019 2:20 PM

No. 36353-8-III

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**COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION III**

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**STATE OF WASHINGTON,**

**Respondent,**

**v.**

**NEIL BOYD McLEOD,**

**Appellant.**

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**BRIEF OF RESPONDENT**

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**GARTH DANO  
PROSECUTING ATTORNEY**

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**I. ASSIGNMENTS OF ERROR**

1. The judgment and sentence sentenced Mr. McLeod to a maximum term of life.
2. The judgment and sentence imposed interest on non-restitution legal financial obligations.

**II. ISSUES RELATING TO THE ASSIGNMENTS OF ERROR**

1. Does the judgment and sentence impose a maximum term of life?
2. Does the boilerplate language regarding interest on legal financial obligations need to be updated?

**III. STATEMENT OF THE CASE**

Appellant’s statement of the case is, for the most part, adequate for these issues. However, on the judgment and sentence in section 4.1(a), labeled “confinement”, Mr. McLeod is sentenced to 330 months on count 2, 84 months on count 3, and 84 months on count 4, in pen and ink. In section 4.1(b), labeled “confinement, RCW 10.95.030 (Aggravated Murder and under age 18)”, there is listed boilerplate count numbers, blank lines for minimum terms, and boilerplate “life” on the maximum term lines.

**IV. ARGUMENT**

**A. The language regarding the interest on legal financial obligations needs to be updated.**

The State agrees the language on interest regarding legal financial information needs to be updated. The standard form used by Grant County was changed shortly after McLeod was sentenced.

**B. The judgment and sentence does not indicate McLeod was sentenced to a maximum term of life.**

The judgment and sentence is a generic form that is used for many different sentencings. Section 4.1(b) is obviously not applicable to Mr. McLeod. Its title references aggravated murder convictions for those under 18. Mr. McLeod was not convicted of aggravated murder, and he is not under 18. The minimum term line is left blank, and there is no pen and ink in that section, unlike the other sections that are filled out by the judge. No one reading this judgment and sentence with any experience whatsoever would conclude that this section applies to Mr. McLeod.

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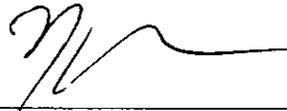
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**V. CONCLUSION**

The judgment and sentence should be updated to reflect the new law regarding interest. The judgment and sentence does not reflect an indeterminate term. It should be upheld in all other respects.

Dated this 15<sup>th</sup> day of May 2019.

GARTH DANO  
Prosecuting Attorney

By: 

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CERTIFICATE OF SERVICE

On this day I served a copy of the Brief of Respondent in this matter by e-mail on the following party, receipt confirmed, pursuant to the parties' agreement:

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Dated: May 5, 2019.

  
\_\_\_\_\_  
Kaye Burns

**GRANT COUNTY PROSECUTOR'S OFFICE**

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**Transmittal Information**

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