

FILED
Court of Appeals
Division III
State of Washington
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36419-4-III

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

v.

IZAAC INNES, APPELLANT

APPEAL FROM THE SUPERIOR COURT
OF SPOKANE COUNTY

BRIEF OF RESPONDENT

LAWRENCE H. HASKELL
Prosecuting Attorney

Brett Pearce
Deputy Prosecuting Attorney
Attorneys for Respondent

County-City Public Safety Building
West 1100 Mallon
Spokane, Washington 99260
(509) 477-3662

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I. APPELLANT’S ASSIGNMENT OF ERROR

The trial court erred in ordering interest accrual on non-restitution legal financial obligations

II. ISSUES PRESENTED

Should the judgment and sentence be modified to indicate interest is not to accrue on non-restitution legal financial obligations?

III. STATEMENT OF THE CASE

A jury found the defendant guilty of murder in the second degree while armed with a firearm on September 13, 2018, and he was sentenced on October 18, 2018. CP 202-03, 252-62. The judgment and sentence ordered the defendant to pay the \$500 victim assessment fee. CP 257-58.

IV. ARGUMENT

THE JUDGMENT AND SENTENCE SHOULD BE AMENDED TO CORRECT THE BOILERPLATE LANGUAGE REGARDING INTEREST.

As of June 7, 2018, trial courts are prohibited from imposing interest on any non-restitution legal financial obligations. Laws of 2018, ch. 269, § 1; Laws of 2018, pg. ii, “Effective Date of Laws”; RCW 10.82.090. However, the judgment and sentence in this case states: “The financial obligations imposed in this judgment shall bear interest from the date of judgment until payment in full.” CP 258. This language should be corrected

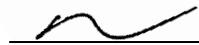
to indicate only restitution obligations can bear interest. This may be done without a resentencing. *See State v. Ramos*, 171 Wn.2d 46, 48, 246 P.3d 811 (2011) (a ministerial correction does not require a defendant's presence).

V. CONCLUSION

The judgment should be amended to provide that interest may only accrue on the restitution portion of the legal financial obligations.

Dated this 9 day of March, 2020.

LAWRENCE H. HASKELL
Prosecuting Attorney



Brett Pearce, WSBA #51819
Deputy Prosecuting Attorney
Attorney for Respondent

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

STATE OF WASHINGTON,

Respondent,

v.

IZAAC INNES,

Appellant.

NO. 36419-4

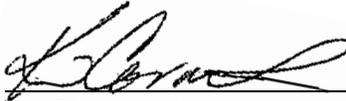
CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington, that on March 9, 2020, I e-mailed a copy of the Brief of Respondent in this matter, pursuant to the parties' agreement, to:

Lisa Tabbut
ltabbutlaw@gmail.com

3/9/2020
(Date)

Spokane, WA
(Place)


(Signature)

SPOKANE COUNTY PROSECUTOR

March 09, 2020 - 10:12 AM

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