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Court of Appeals  
Division III  
State of Washington  
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IN THE COURT OF APPEALS OF THE STATE OF  
WASHINGTON  
DIVISION III  
No. 36845-9-III

STATE OF WASHINGTON,

Respondent,

vs.

SHAWN STAHLMAN,

Appellant.

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Brief of Respondent

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#### A. ASSIGNMENTS OF ERROR

1. The Court erred in imposing the discretionary criminal filing fee upon Mr. Stahlman who was indigent at the time of these proceedings.
2. The Court erred in imposing a DNA fee upon Mr. Stahlman who had previously had DNA collected from a previous felony conviction.
3. Interest accrued on Mr. Stahlman's discretionary legal financial obligations must be stricken.

#### B. STATEMENT OF THE CASE

The Respondent, State of Washington, adopts Appellant's statement of the case for the purpose of this response.

#### C. RESPONSE TO ISSUES RAISED

Recent changes in the law, i.e., *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d 714 (2018), HB 1783, hold that a trial court may not impose non-discretionary legal financial obligations against an indigent person, nor impose a DNA collection fee upon one who has previously

paid such a fee. Mr. Stahlman is both indigent and has previously been assessed the \$100 DNA collection fee. As non-discretionary legal obligations cannot be assessed against an indigent person, any accrued interest on those obligations should be stricken.

D. CONCLUSION

Respondent concurs that this Court should remand Mr. Stahlman's case to the trial court to strike the filing fee and DNA fee.

Respectfully submitted this 9<sup>th</sup> day of December, 2019.

  
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Carole L. Highland, WSBA #20504  
(Deputy) Prosecuting Attorney

## PROOF OF SERVICE

I, Carole L. Highland, do hereby certify under penalty of perjury that on Thursday, January 2, 2020, I mailed to the following by U.S. Postal Service first class mail, postage prepaid, or provided e-mail service by prior agreement (as indicated), a true and correct copy of the Brief of Respondent:

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**KITTITAS COUNTY PROSECUTOR'S OFFICE**

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**Transmittal Information**

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