

FILED
Court of Appeals
Division III
State of Washington
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NO. 369153

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

PHILLIPPE ANTWAN BAKER

Appellant

v.

STATE OF WASHINGTON

Respondent

REPLY OF APPELLANT

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I. ARGUMENT IN REPLY

LFO judgments that are renewed by the State, pursuant to RCW 6.17.020, are (1) exempt from renewal of judgment fees and (2) may be extended an unlimited number of times. RCW 9.94A.760(5) does not exempt the State from the statutory requirement to follow the law on the renewal of judgments. All judgments expire unless renewed.

A. RCW 6.17.020(4) AND 9.94A760(5) CAN BE READ TOGETHER TO CONFER AUTHORITY ON THE COURT TO RETAIN PERSONAL JURISDICTION OVER A DEBTOR AND SUBJECT MATTER JURISDICTION OVER COLLECTION OF AN LFO DEBT.

An axiomatic rule of statutory construction is that when two statutes relate to the same subject matter and are not actually in conflict, they should be interpreted to give meaning and effect to both, even though one statute is general in operation and the other is special. *State v. Krieg*, 7 Wn. App. 20, 23, 497 P.2d 621, 623 (1972) (citing *Davis v. King County*, 77 Wn.2d 930, 468 P.2d 679 (1970)).

RCW 6.17.020 and RCW 9.94A.760(5) can be read without conflict. When both statutes are given effect, RCW 6.17.020 merely supplements RCW 9.94A.760. It exempts LFOs from the extension filing fee required under RCW 6.17.020(4) and from the 20-year limit under RCW 6.17.020(7). Such construction gives significance to both acts of the legislature. *Davis v. King Cty.*, 77 Wn.2d 930, 933, 468 P.2d 679, 681 (1970). It also is the only reading of the 2002 legislative history of E2SSB 5827 that does not lead to an absurd result.

B. THE STATE NEED ONLY RENEW AN LFO JUDGMENT TO PREVENT ITS EXPIRATION AND MAINTAIN THE COURT'S SUBJECT MATTER JURISDICTION OVER THE JUDGMENT.

As in this case, once the non-monetary conditions of sentence are satisfied, only a judgment lien for the LFO debt remains. Washington's statutory framework for enforcing judgments focuses on this judgment lien. "A judgment lien is born by statute, and dies by statute." *Am. Disc. Corp. v. Shepherd*, 129 Wn. App. 345, 351, 120 P.3d 96, 100

(2005), *aff'd* 160 Wn.2d 93, 156 P.3d 858 (2007). Entry of judgment under RCW 9.94A creates a lien. That lien is maintained following the procedures set forth in RCW 6.17.020(3). When that lien expires, there is no longer any statutory method of enforcing the judgment, and nothing can be done to revive the lien and it is unenforceable. *Krueger v. Tippett*, 155 Wn. App. 216, 226, 229 P.3d 866, 871 (2010).

II. CONCLUSION

The Court no longer has subject matter jurisdiction over the collection of this LFO because the judgment was not extended as required by *State v. Gossage*, 165 Wn.2d 1, 195 P.3d 525 (2008) and RCW 6.17.020(4). As a result, a certificate of discharge closing out the court's personal jurisdiction over Mr. Baker should be issued.

Respectfully submitted this 23rd day of December, 2019.



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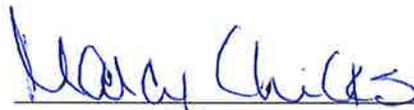
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DATED this 23rd day of December, 2019, at Spokane,
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Marcy Chicks

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