

FILED
Court of Appeals
Division III
State of Washington
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NO. 37171-9-III

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

BRIAN GREGORY BRODIL, APPELLANT

v.

STATE OF WASHINGTON, RESPONDENT

ON APPEAL FROM THE SUPERIOR COURT
OF GRANT COUNTY

Superior Court Cause No. 11-1-00510-3

BRIEF OF RESPONDENT

GARTH DANO
GRANT COUNTY PROSECUTING ATTORNEY

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Did the trial court err when it imposed discretionary legal financial obligations prior to the decision of the Washington State Supreme Court in *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d 714 (2018), when Mr. Brodil's timely appeal post-dates that decision? (Assignment of Error No. 1)1

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I. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

Did the trial court err when it imposed discretionary legal financial obligations prior to the decision of the Washington State Supreme Court in *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d 714 (2018), when Mr. Brodil’s timely appeal post-dates that decision? (Assignment of Error No. 1).

II. STATEMENT OF THE CASE

The State adopts facts as stated in Mr. Brodil’s Opening Brief. RAP 10.3(b).

III. ARGUMENT

Mr. Brodil does not assert he was indigent at the time of his January 18, 2012 sentencing, nor does the record contain a finding of indigency during the relevant time period.¹ Br. of Appellant at 1–2; CP 001–093, CP (Supp.) 094–102. Mr. Brodil merely asserts the court failed to make the “*Blazina* inquiry” into his financial circumstances held mandatory three years after his sentencing.² This, he argues, justifies reversal of his court-appointed attorney fees and criminal filing fee.

¹ The fact that Mr. Brodil was assisted by court-appointed counsel indicates the court found him indigent at his preliminary appearance, although that finding is not in the record.

² *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015).

Without conceding the correctness of Mr. Brodil's argument, the State does not contest the timeliness of his appeal, nor the fact that this appeal was not final before the decisions in *Blazina* and *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d 714 (2018).

The State takes no position concerning reversal of Mr. Brodil's discretionary legal financial obligations. The trial court's imposition of those obligations, however, was not in error at the time they were imposed.

IV. CONCLUSION

This Court should find a trial court cannot err by imposing legal financial obligations authorized at the time of imposition, regardless of whether subsequent law makes their reversal appropriate.

DATED this 22nd day of July, 2020.

Respectfully submitted,

GARTH DANO
Grant County Prosecuting Attorney

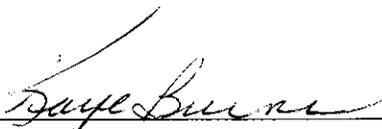
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CERTIFICATE OF SERVICE

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

Dennis W. Morgan
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Dated: July 22, 2020.



Kaye Burns

GRANT COUNTY PROSECUTOR'S OFFICE

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