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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. 37186-7-III

STATE OF WASHINGTON,
Plaintiff/Respondent,

vs.

Mr. Gerald Keith Moccardine,
Defendant/Appellant

Respondent's Brief

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A. RESPONSE TO ASSIGNMENTS OF ERROR

1a) With regard to Appellant's claim that the information omitted the essential element of knowledge of the protection order, the State concedes the argument made by Mr. Moccardine and requests this Court remand the matter for a new trial upon an amended information.

1b) With regard to Appellant's claim that the information failed to adequately identify the charged offense by omitting the statutory basis of the underlying protection orders, the State understands that Mr. Moccardine will be withdrawing this argument upon the State's concession *supra.*, and is in agreement with remand by this Court of the matter for a new trial.

2) With regard to Appellant's claim that remand is necessary to strike the interest erroneously imposed on Mr. Moccardine's legal financial obligation, the State concedes that should Mr. Moccardine plead guilty or be found guilty upon remand, any imposition of interest on imposed legal financial obligations would be in error.

B. STATEMENT OF THE CASE

The State agrees with and stipulates to the Statement of the Case set forth by Mr. Moccardine in his opening brief.

C. ARGUMENT

In the course of responding to Mr. Moccardine's Appellant Brief, the parties had the opportunity to discuss the strengths and weaknesses of their respective positions and believe that remand of the matter for new proceedings upon

an amended information will allow the parties to come to a mutually agreeable resolution.

D. CONCLUSION

The State would ask that the Court accept the State's concession on issue 1a, allow Appellant's withdrawal of issue 1b, and per agreement of the parties, remand the matter to the trial court for further proceedings.

Respectfully submitted this 30th day of April, 2020.



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PROOF OF SERVICE

I, Carole L. Highland, do hereby certify under penalty of perjury that on Thursday, April 30, 2020, I had 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 Respondent's Brief:

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Respondent's Brief

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