

NO. 46426-8-II

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

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STATE OF WASHINGTON, Respondent

v.

JOHN THOMAS TYLER, Appellant

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FROM THE SUPERIOR COURT FOR CLARK COUNTY  
CLARK COUNTY SUPERIOR COURT CAUSE NO.02-1-00419-9

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SUPPLEMENTAL BRIEF OF RESPONDENT

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Attorneys for Respondent:

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

AARON T. BARTLETT, WSBA #39710  
Deputy Prosecuting Attorney

Clark County Prosecuting Attorney  
1013 Franklin Street  
PO Box 5000  
Vancouver WA 98666-5000  
Telephone (360) 397-2261

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A. ANSWERS TO ASSIGNMENTS OF ERROR

I. THIS ASSIGNMENT OF ERROR WAS WAIVED AND THIS COURT SHOULD NOT CONSIDER IT.

II. THIS ASSIGNMENT OF ERROR WAS WAIVED AND THIS COURT SHOULD NOT CONSIDER IT.

B. STATEMENT OF THE CASE

On October 8, 2002, Mr. Tyler was sentenced. CP 97-113; RP 585-611. As part of his sentence, the trial court ordered Mr. Tyler to pay \$3,911.97 in legal financial obligations. CP 101-02. During the sentencing hearing, neither Mr. Tyler nor his attorney objected to the imposition of the legal financial obligations. RP 600-09.

C. ARGUMENT

I. MR. TYLER WAIVED HIS CHALLENGE TO THE IMPOSITION OF LEGAL FINANCIAL OBLIGATIONS BECAUSE HE DID NOT OBJECT AT THE TRIAL LEVEL.

“A defendant who makes no objection to the imposition of discretionary LFOs (legal financial obligations) at sentencing is not automatically entitled to review” of that issue on appeal. *State v. Blazina*, 182 Wn.2d 827, 832, 344 P.3d 680 (2015). The defendant is not entitled to review because in Washington it is “well settled that an ‘appellate court may refuse to review any claim of error which was not raised in the trial

court.” Id. (quoting RAP 2.5(a)). Thus, under *Blazina*, it remains the law that “[u]npreserved LFO errors do not command review as a matter of right.” Id. Accordingly, *Blazina* held, regarding the consolidated cases on review, that “the Court of Appeals did not err in declining to reach the merits” of the LFO issue, and instead, “properly declined discretionary review.” Id. at 830.

Here, Mr. Tyler did not object to trial court’s imposition of LFOs. There is no compelling reason in Mr. Tyler’s case to utilize this court’s discretion and reach out and decide the merits of the LFO issue. Thus, this court should decline to address his LFO challenge.

**D. CONCLUSION**

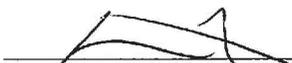
For the reasons argued above, this court should decline to reach Mr. Tyler’s LFO challenge.

DATED this 21 day of July, 2015.

Respectfully submitted:

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

By:

  
AARON T. BARTLETT, WSBA #39710  
Deputy Prosecuting Attorney

# CLARK COUNTY PROSECUTOR

**July 22, 2015 - 8:48 AM**

## Transmittal Letter

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Court of Appeals Case Number: 46426-8

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### Comments:

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[backlundmistry@gmail.com](mailto:backlundmistry@gmail.com)