

# Supreme Court: Judges must assess defendant's financial status before imposing legal financial obligations

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The News Tribune  
March 12, 2015

Two Pierce County defendants will get new sentencing hearings because the judges in the cases imposed standard legal financial obligations without looking at whether the men could afford them, the Washington State Supreme Court has ruled.

In a decision released Thursday, the high court ordered new hearings for Nicholas Blazina and Mauricio Paige-Colter.

Although attorneys for neither man objected at their sentencings, they made their case to the Court of Appeals, which declined to take up the case.

The Supreme Court said it issued a ruling to “emphasize the trial court’s obligation to consider the defendant’s ability to pay.”

After Blazina’s conviction for second-degree assault, a judge ordered him to pay \$3,287 in legal fees for his defense attorney, extradition and various other costs.

A judge levied \$1,800 in legal fees against Paige-Colter after he was sentenced to 30 years in prison for first-degree assault and first-degree unlawful possession of a firearm.

Chief Justice Barbara Madsen wrote that the sentencing judges used boilerplate language rather than assessing Blazina and Paige-Colter’s financial circumstances and whether they could pay the amounts.

“The Legislature did not intend LFO (legal financial obligation) orders to be uniform among cases of similar crimes,” she wrote in the decision. “Rather, it intended each judge to conduct a case-by-case analysis and arrive at an LFO order appropriate to the individual defendant’s circumstances.”

The ruling notes studies that have shown ordering standard financial obligations without consideration of a particular defendant’s case can make it harder for the person to re-enter society.

It also increases recidivism rates and makes it difficult for the government to recoup the money, according to the ruling.

Some poorer defendants never pay their legal fees and others pay a small monthly stipend.

That means the court stays involved in the defendant's life much longer — possibly creating issues with employment, housing and credit rates — and the defendant could end up paying more in the long run, the ruling states.

In Washington, those who pay a monthly installment accrue interest at a 12 percent rate. They also can be subject to additional fees if they make a late payment.

“On average, a person who pays \$25 per month toward their LFOs will owe the state more 10 years after conviction than they did when the LFOs were initially assessed,” the chief justice wrote.

Madsen also points out that it can be impossible for the government to collect the legal fees.

In 75 percent of cases from January and February 2004, for example, fewer than 20 percent of the financial obligations were paid three years after sentencing, according to the state Minority and Justice Commission.

There also are discrepancies in fees levied for drug-related offenses and against Hispanics and men.

Counties in Washington with higher violent crime rates, smaller populations and those that designate less of their budgets to law and justice assess higher legal financial obligations than other counties, according to the ruling.

“Practically speaking, this imperative under RCW 10.0 1.160(3) means that the court must do more than sign a judgment and sentence with boilerplate language stating that it engaged in the required inquiry,” the chief justice said.

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