

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

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 CHRISTAPHER WHITE,) UNPUBLISHED OPINION
)
 Appellant.) FILED: August 1, 2016

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COURT OF APPEALS
STATE OF WASHINGTON

VERELLEN, C.J. — For the first time on appeal, Christopher White argues that as applied to an indigent defendant, imposition of the mandatory deoxyribonucleic acid (DNA) fee under RCW 43.43.7541 violates substantive due process.¹ In State v. Shelton, we considered and rejected the same argument.² We held that until the State attempts to enforce collection of the DNA fee or impose sanctions for failure to pay, the claim is not ripe for judicial review and is not an error of constitutional magnitude subject to review under RAP 2.5(a)(3).³ We also held that “unlike discretionary legal financial obligations, the legislature unequivocally requires imposition of the mandatory DNA fee

¹ A jury convicted White of one count of assault in the second degree, two counts of rape in the second degree, and one count of unlawful imprisonment.

² No. 72848-2-I, 2016 WL 3461164, at *1 (Wash. Ct. App. June 20, 2016).

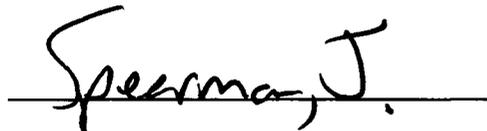
³ Id. at *4.

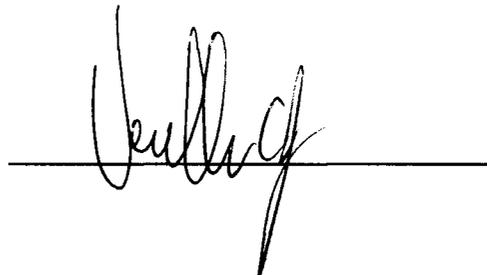
. . . at sentencing without regard to finding the ability to pay.”⁴ We adhere to our decision in Shelton.

Because the numerous issues listed in the statement of additional grounds do not inform us of the “nature and occurrence of the alleged errors,” we cannot review them.⁵ Some of those issues were already considered and rejected by this court in White’s direct appeal.⁶ Any of those issues remaining that involve facts and evidence not in the record on appeal are properly raised through a personal restraint petition, not a statement of additional grounds.⁷

We affirm the judgment and sentence.

WE CONCUR:

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A handwritten signature in cursive script, appearing to read "Kelly", written over a horizontal line.
A handwritten signature in cursive script, appearing to read "Kuch", written over a horizontal line.

⁴ Id. at *6.

⁵ State v. Alvarado, 164 Wn.2d 556, 569, 192 P.3d 345 (2008) (citing RAP 10.10(c)).

⁶ State v. White, noted at 184 Wn. App. 1025, at *9-10 & 12 n.15 (2014).

⁷ Alvarado, 164 Wn.2d at 569.