

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

PAUL ANTHONY MURRAY,

Appellant.

No. 84746-5-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM — Paul Anthony Murray filed an appeal challenging the imposition of a \$500 Victim Penalty Assessment (VPA) as part of his judgment and sentence. When Murray was sentenced in 2022, the VPA was a mandatory condition of all sentences. Former RCW 7.68.035 (2018). In 2023, the legislature added a subsection to RCW 7.68.035 that prohibits courts from imposing the VPA on indigent defendants as defined in RCW 10.01.160(3). State v. Ellis, ___ Wn. App. 2d ___, 530 P.3d 1048, 1055 (2023). The State does not dispute that Murray is indigent and concedes that this matter should be remanded to strike the VPA from Murray’s judgment and sentence.

We accept the State’s concession and remand to the superior court to strike the VPA provision from the judgment and sentence entered in King County Superior Court Cause No. 22-1-06948-8.

FOR THE COURT:

Birk, J.

Feldman, J.

Smith, C.J.