

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

STATE OF WASHINGTON,

Respondent.

v.

TERREZ TYLER,

Appellant.

No. 85091-1-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM — Terrez Tyler filed an appeal challenging the imposition of a \$500 Victim Penalty Assessment (VPA) as part of his judgment and sentence. 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, 27 Wn. App. 2d 1, 11, 530 P.3d 1048 (2023). The State does not dispute that Tyler is indigent and concedes that this matter should be remanded to strike the VPA from Tyler’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. 23-1-00517-8.

FOR THE COURT:

Hyslop, A.J.

Chung, J.

Cohen, J.