

October 12, 2021

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

In the Matter of the Personal Restraint of:

No. 55801-7-II

JACOB IVAN SCHMITT,

Petitioner.

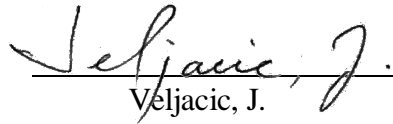
UNPUBLISHED OPINION

VELJACIC, J. — Jacob Ivan Schmitt seeks relief from personal restraint imposed following his 1998 plea of guilty to malicious mischief in the first degree. The sentencing court imposed legal financial obligations (LFOs) of \$629.35. In 2008, the sentencing court extended the judgment for the LFOs for an additional 10 years to 2018. In 2021, Schmitt learned that the Mason County Clerk reported his LFO balance to be \$8,166.77, by operation of accrued interest. He seeks an order declaring his LFOs void and an order to clear his LFOs from his record. The State concedes that under RCW 9.94A.760(5) and *State v. Gossage*, 165 Wn.2d 1, 195 P.3d 525 (2008), Schmitt’s 1998 LFOs are void.<sup>1</sup> We accept the State’s concession and remand to the sentencing court to enter an order of discharge under RCW 9.94A.637 and file it with the county clerk.

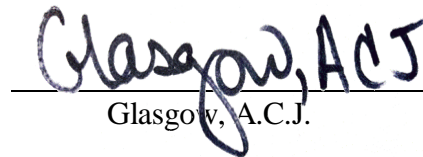
---

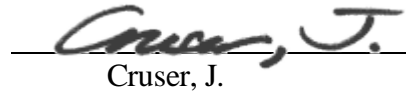
<sup>1</sup> The State argues that because Schmitt could have obtained relief through a motion in the trial court to terminate the LFOs, we should not grant relief under RAP 16.4(d). We conclude that under the circumstances, including his indigence, Schmitt does not have an adequate remedy in the trial court. The State concedes that if we reject its argument under RAP 16.4(d), Schmitt is entitled to relief.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

  
\_\_\_\_\_  
Veljacic, J.

We concur:

  
\_\_\_\_\_  
Glasgow, A.C.J.

  
\_\_\_\_\_  
Cruiser, J.