

June 28, 2022

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

DOUGLAS ARTHUR BURKE,

Appellant.

No. 55844-1-II

UNPUBLISHED OPINION

VELJACIC, J. — Douglas Arthur Burke appeals his judgment and sentence, arguing the trial court erred when it imposed legal financial obligations without first conducting an inquiry into whether Burke could pay. The State concedes that the jury demand fee and community custody supervision fee should be stricken. We accept the State’s concession and remand for the trial court to strike the jury demand fee and community custody supervision fee from Burke’s judgment and sentence.

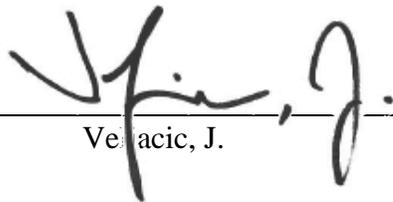
FACTS

After a jury trial in 2021, Burke was found guilty of assault in the second degree with a firearm enhancement. As part of Burke’s sentence, the trial court imposed a \$250 jury demand fee and community custody supervision fee. Our record does not indicate whether the trial court conducted an inquiry into Burke’s ability to pay the fees. The trial court also entered an order of indigency for Burke.

ANALYSIS

Burke argues that we should remand for the trial court to reconsider the jury demand fee and a community custody supervision fee. The State concedes that these fees should be stricken. We accept the State's concession. We remand for the trial court to strike the jury demand fee and community custody supervision fee from Burke's judgment and sentence.

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.


Veracic, J.

We concur:


Glasgow, C.J.


Price, J.