

September 19, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of
the Personal Restraint Petition of

ROBERT DEAN PHILLIPS,

No. 50087-6-II

UNPUBLISHED OPINION

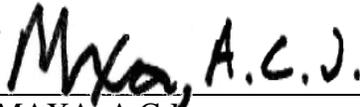
MAXA, A.C.J. — Robert Phillips seeks relief from personal restraint resulting from his 2015 plea of guilty to unlawful possession of heroin with intent to deliver. He argues that the trial court erred in imposing legal financial obligations (LFOs) under *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015).

In its judgment and sentence, the trial court imposed the following discretionary LFOs: \$800 court-appointed attorney fee, \$150 court-appointed expert cost, \$500 fine, and \$1,000 drug enforcement fund. But it did so after making a finding “[t]hat the defendant is indigent and disabled and is not anticipated to be able to pay financial obligations in the future.” Reply to Personal Restraint Pet., App. at 3. The State concedes that this discrepancy renders Phillips’s judgment and sentence facially invalid, that Phillips’s petition is not time-barred, and that Phillips is entitled to correction of his sentence.

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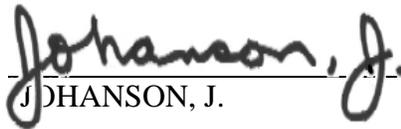
We accept the State's concession and remand Phillips's judgment and sentence to the trial court for correction by deletion of all discretionary LFOs.

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.



MAXA, A.C.J.

We concur:



JOHANSON, J.



MELNICK, J.