

April 7, 2020

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

RYAN MICHAEL MCKASSON,

Appellant.

No. 53102-0-II

UNPUBLISHED OPINION

WORSWICK, J. — Ryan McKasson appeals his judgment and sentence, arguing that as an indigent defendant, the trial court erred in imposing interest on nonrestitution legal financial obligations (LFOs). The State concedes that the interest accrual provision on nonrestitution LFOs should be stricken.

We agree and remand to the trial court to strike the provision imposing interest on nonrestitution LFOs.

FACTS

A jury convicted McKasson of two counts of third degree assault. He was sentenced on February 14, 2019. At sentencing, the trial court found McKasson indigent, but imposed a \$500 crime victim assessment fee and an interest accrual provision on nonrestitution LFOs. The trial court waived all other LFOs. The interest accrual provision stated that “[t]he financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments.” Clerk’s Papers at 28.

McKasson appeals his judgment and sentence.

ANALYSIS

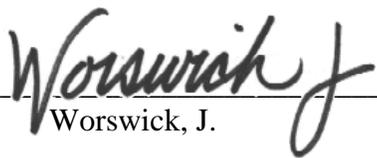
INTEREST ON LFOs

McKasson argues that the interest provision must be stricken in light of *State v. Ramirez*, 191 Wn.2d 732, 747, 426 P.3d 714 (2018). The State concedes this point. We agree with McKasson and accept the State's concession.

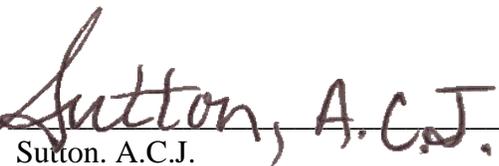
RCW 10.82.090 differentiates between restitution and nonrestitution LFOs. Trial courts are prohibited from imposing interest accrual on nonrestitution LFOs. RCW 10.82.090(2)(a); *Ramirez*, 191 Wn.2d at 747.

Here, it is uncontested that McKasson was indigent, but the trial court nevertheless imposed an interest accrual provision on nonrestitution LFOs. Therefore, we accept the State's concession that the interest accrual provision on nonrestitution LFOs should be stricken. We remand to the trial court to strike the interest accrual provision on nonrestitution 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.


Worswick, J.


Maxa, J.


Sutton, A.C.J.