

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
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Oct 26, 2016, 8:07 am
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NO. 92616-6

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

IN RE THE PERSONAL)	STATEMENT OF
RESTRAINT OF)	ADDITIONAL
EARL OWEN FLIPPO,)	AUTHORITY
)	
Petitioner.)	
)	
)	
)	

Pursuant to RAP 10.8, the State respectfully cites the following as additional authority:

In re the Personal Restraint of Arthur Lewis Dove, 47796-3-II, 2016 WL 5402838 (Wash. Ct. App., Sept. 27, 2016) (the one-year time limit on collateral attacks in RCW 10.73.090 applies to a collateral attack that asserts a *Blazina* claim)

In relation to the non-collection of interest on legal financial obligations and available remedies:

RCW 10.82.090(2) (a) (mandating the waiver of all interest on legal financial obligations which accrued during incarceration with a showing of hardship)

RCW 10.82.090(2) (b) (authorizing reduction or waiver of interest after the principal is paid)

RCW 10.82.090(2) (c) and (d) (authorizing reduction or waiver of interest after a good faith showing of regular payments in order to incentivize repayment)

Walla Walla County Clerk Kathy Martin's email (attached) (explaining the practice that upon payment of the principal, the clerk's office prepares an order waiving interest without requiring any showing of hardship)

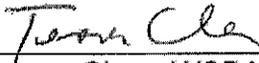
STATEMENT OF ADDITIONAL AUTHORITY



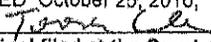
Legislative efforts related to collected on LFO's, none of which have passed:

HB 1390 / SB 5713
HB 1481 / SB 5564
SB 2751
SB 5423
HB 1004 / SB 5146
SB 5346
HB 2465 / SB 6193
SB 6492
HB 1359 / SB 5611
SB 6002
SB 5168
HB 1514
HB 1836

DATED October 25, 2016.



Teresa Chen, WSBA #31762
Deputy Prosecuting Attorney

<p>Kevin Andrew March sloanej@nwattorney.net bakerj@nwattorney.net MarchK@nwattorney.net</p>	<p>A copy of this statement was sent via U.S. Mail or via this Court's e-service by prior agreement under GR 30(b)(4), as noted at left. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED October 25, 2016, Pasco, WA  Original filed at the Court of Appeals, 500 N. Cedar Street, Spokane, WA 99201</p>
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STATEMENT OF ADDITIONAL AUTHORITY

Teresa Chen

From: Kathy Martin [kmartin@co.walla-walla.wa.us]
nt: Thursday, September 1, 2016 10:38 AM
To: Teresa Chen
Subject: RE: interest on LFO's

Yes interest keeps accruing until the principal is paid in full. Once the Principal is paid then we present an Order to the Court waiving interest. Yes the PA appears at all show cause and review hearings not the clerk.

Kathy Martin

From: Teresa Chen [mailto:tchen@co.franklin.wa.us]
Sent: Wednesday, August 31, 2016 5:38 PM
To: Kathy Martin
Subject: interest on LFO's

Hi Kathy, I am handling this LFO case for Jim Nagle regarding Earl Flippo. I was curious about Walla Walla's policy on LFO interest. In another defendant's transcript (VRP 5.1) attached, at pages 4-5, Judge Wolfram said, "I think that in almost every case Walla Walla actually waives interest so there's for all intents and purposes no interest." That's also how Franklin County does it.

And yet Flippo's attorney (at page 3 of the Brief) is claiming there is 12% interest accruing and compounding. He points to a JIS printout (App. 33 or page 70 of the pdf) which shows \$5,515.65 interest accrued as of August 25, 2016.

Could you tell me whether Flippo will be charged interest? And if not, why does it show interest on JIS?

Also could you tell me whether a prosecutor appears at payment review hearings on LFO's? In Franklin, there is no prosecutor, only the clerk. Is it different in Walla Walla?

Thanks for your help,
Teresa

Teresa Chen
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OFFICE RECEPTIONIST, CLERK

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, October 26, 2016 8:08 AM
To: 'Teresa Chen'
Cc: Jim Nagle; John Sloane; bakerj@nwattorney.net; MarchK@nwattorney.net
Subject: RE: 926166 Statement of Additional Authority

Received 10/26/16.

Supreme Court Clerk's Office

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From: Teresa Chen [mailto:tchen@co.franklin.wa.us]
Sent: Tuesday, October 25, 2016 7:32 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Jim Nagle <jnagle@co.walla-walla.wa.us>; John Sloane <SloaneJ@nwattorney.net>; bakerj@nwattorney.net; MarchK@nwattorney.net
Subject: 926166 Statement of Additional Authority

Please accept the attached for filing.

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