

IN THE SUPREME COURT OF THE STATE OF  
WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	No. 103328-1
	)	
vs.	)	
	)	ANSWER TO PETITION
PETER LANUM TREVIGNE,	)	FOR REVIEW AND CROSS-
	)	PETITION
Petitioner.	)	
	)	
	)	
	)	

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Petitioner Trevigne seeks review of the Court of Appeals' unpublished decision in this case, State v. Trevigne, No. 84222-6-I, 2024 WL 2815359 (June 3, 2024). The Court of Appeals affirmed the trial court's denial of Trevigne's for-cause challenge to Juror 122, affirmed the trial court's denial of Trevigne's motion for new trial based on alleged discovery violations, and rejected Trevigne's ineffective-assistance-of-counsel claim. The Court of Appeals remanded the case for the

trial court to strike the Victim Penalty Assessment and DNA fee obligations, to which the State did not object. However, the court also remanded the case for the trial court to consider whether to waive interest on restitution under RCW 10.82.090, which the State argued was not warranted under the cases on which the Court of Appeals relied.

The State asks this Court to deny the petition for review. Trevigne cursorily asserts that review is warranted because his petition involves “a significant question of law under the Constitution of the State of Washington or of the United States” and “an issue of substantial public interest that should be determined by the Supreme Court,” but he offers no explanation or analysis to establish that these assertions are true. Petition for Review at 24; RAP 13.4(b). To the contrary, the remainder of Trevigne’s petition indicates that he is simply arguing that the trial court erred in applying existing caselaw to

the extremely complicated facts of this case.<sup>1</sup> Petition at 24-31. Because Trevigne fails to establish that any of the criteria for review set out in RAP 13.4(b) are present in this case, the petition should be denied. Moreover, the reasoning and authority set out in the Court of Appeals' opinion makes clear that Walker's appeal is meritless and provides additional support for the conclusion that the criteria for review are not met here.

If this Court nevertheless grants Trevigne's petition, it should also review the Court of Appeals' holding that a statutory amendment to RCW 10.82.090, which permits trial courts to waive interest on restitution, must be applied to all cases that were pending on direct appeal when the amendment took effect. Slip op. at 19-20. As argued in the Brief of

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<sup>1</sup> Neither Trevigne's petition for review nor the Court of Appeals' opinion contains all the relevant facts, which are voluminous and at times convoluted. The State strongly urges this Court to thoroughly review the summary of facts set out in the Brief of Respondent below.

Respondent below, the case on which the Court of Appeals relied, State v. Ramirez, 191 Wn.2d 732, 426 P.3d 714 (2018), does not support this holding. Br. of Respondent at 108-16.

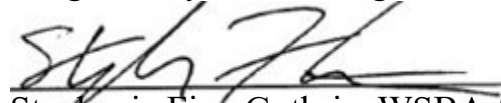
If this Court grants review of any part of Trevigne's petition, this issue warrants review as well. Remand to apply the recent amendment to RCW 10.82.090 confers a material benefit only to those defendants who owe interest on restitution to individual victims and the Crime Victims Compensation Fund. The Sentencing Reform Act already explicitly authorizes trial courts to go back at any point in time and waive interest previously imposed on restitution owed to insurers or state agencies (other than to the department of Labor and Industries under the Crime Victims Compensation Fund statute). RCW 9.94A.750(3)(b). As such, defendants who owe those types of interest have an alternative avenue of relief and do not need to utilize RCW 10.82.090(2), which applies only at the time restitution and interest is originally imposed.

Only those who seek waiver of interest owed to individual victims and the Crime Victims Compensation Fund—the exact types of interest that RCW 9.94A.750(3)(b) makes clear the legislature did not intend to allow courts to reopen in criminal cases—are materially benefited by the Court of Appeals’ holding that remand is warranted in this case to apply the new version of RCW 10.82.090(2). Given that, and the lack of support in this Court’s caselaw for the Court of Appeals’ holding, this Court should review of this issue if it grants any portion of Trevigne’s petition.

This document contains 663 words, excluding the parts of the document exempted from the word count by RAP 18.17.

Submitted this 3<sup>rd</sup> day of September, 2024.

LEESA MANION (she/her)  
King County Prosecuting Attorney

A handwritten signature in black ink, appearing to read 'Steph FH', written over a horizontal line.

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# KING COUNTY PROSECUTOR'S OFFICE - APPELLATE UNIT

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