

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II**

STATE OF WASHINGTON,)	No. 46753-4-II
)	
Respondent,)	
)	
v.)	STATE'S RESPONSE TO
)	APPELLANT'S SUPPLEMENTAL
)	BRIEF
ROBERT FRANKLIN LEONARD,)	
)	
Appellant.)	
<hr/>		

1. Identity of Moving Party

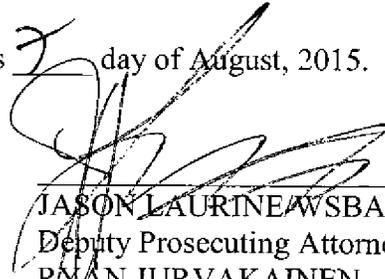
Jason Laurine, Deputy Prosecuting Attorney for Cowlitz County, representing Respondent, the State of Washington.

2. Response

A trial court cannot impose legal financial obligations without an individualized hearing, determining whether a defendant has the present or future ability to pay. RCW 10.01.160(3); *State v. Blazina*, 182 Wash.2d 827, 834, 344 P.3d 680 (March 12, 2015). As appellant suggests, a hearing determining whether he had the present or future ability to pay costs did not take place. RP 387-394. Consequently, a hearing must be conducted

at the trial court level before this court can rule on the legality of their imposition. 182
Wash.2d at 839, 344 P.3d 680.

Respectfully submitted this 7 day of August, 2015.



JASON LAURINE/WSBA#36871
Deputy Prosecuting Attorney for
RYAN JURVAKAINEN
Cowlitz County Prosecuting Attorney

CERTIFICATE OF SERVICE

Michelle Sasser, certifies that opposing counsel was served electronically via the Division II portal:

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I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Kelso, Washington on August 7th, 2015.

Michelle Sasser
Michelle Sasser

COWLITZ COUNTY PROSECUTOR

August 07, 2015 - 2:25 PM

Transmittal Letter

Document Uploaded: 4-467534-Supplemental Response Brief.pdf

Case Name: State of Washington v. Robert Franklin Leonard

Court of Appeals Case Number: 46753-4

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: Supplemental Response

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

State's Response to Appellant's Supplemental Brief with Cert of Service

Sender Name: Michelle Sasser - Email: sasserm@co.cowlitz.wa.us

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