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Subject: FW: proposed change to IRLJ 5.1
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From: Greene, Richard <Richard.Greene@seattle.gov>
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To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: proposed change to IRLJ 5.1

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Creating an appeal right for a decision under proposed IRLJ 3.5 in the situation of a decision in a mitigation hearing is prohibited by RCW 46.63.100(2). As mentioned elsewhere, ESSB 5226 does not expressly or impliedly create an appeal right for a decision on a defendant's attestation of an inability to pay. The right of appeal is purely statutory in noncriminal actions. *In re Petition by City of Bellingham*, 52 Wn.2d 497, 499, 326 P.2d 741 (1958); *Speer v. Roney*, 52 Wn. App. 120, 122, 758 P.2d 10, *review denied*, 111 Wn.2d 1025 (1988). Courts are not permitted to read into a statute anything which they may conceive the Legislature may have unintentionally left out. *Seattle Association of Credit Men v. General Motors Acceptance Corporation*, 188 Wash. 635, 639, 63 P.2d 359 (1936).

Also, if a defendant can appeal a decision denying relief under proposed IRLJ 3.5, then why should not the plaintiff have an appeal right for a decision granting relief under proposed IRLJ 3.5?



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