

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

KENNETH NJOROG KANGEE,

Appellant.

No. 75852-7-I

DIVISION ONE

UNPUBLISHED OPINION

FILED: JUL 17 2017

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COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2017 JUL 17 AM 9:23

PER CURIAM — Kenneth Njoroge Kangee appeals from the imposition of a \$100 DNA fee. We accept the State of Washington's concession that the trial court erred in imposing the DNA fee without considering whether Kangee's mental health condition affected his ability to pay. See RCW 9.94A.777(1). The court waived all nondiscretionary legal financial obligations. Accordingly, we remand to the trial court with instructions to strike the DNA fee.

Reversed and remanded.

For the Court:

Schneider, J.
Spencer, J.
Mann, J.