

THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 MAR 12 AM 10:39

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 KERVIN DANIEL,)
)
 Appellant.)

No. 76915-4-1

UNPUBLISHED OPINION

FILED: MAR 12 2018

PER CURIAM — Kevin Daniel appeals the financial obligations imposed following his conviction for felony violation of a court order. He contends, and the State concedes, that the trial court erred in failing to determine, and defense counsel was ineffective for failing to raise, whether his mental health condition adversely affected his ability to pay the \$100 DNA fee. RCW 9.94A.777(1). We accept the State's concession.

Remanded solely to determine Daniel's ability to pay the DNA fee under RCW 9.94A.777(1).

FOR THE COURT:

Cox, J.
[Signature]
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