

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 DARYL JAMES BURNS,)
)
 Appellant.)
 _____)

No. 77245-7-1

UNPUBLISHED OPINION

FILED: DEC 31 2018

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COURT OF APPEALS DIV 1
STATE OF WASHINGTON
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PER CURIAM. Daryl Burns challenges legal financial obligations imposed following his jury conviction for second degree burglary. Burns contends the \$200 criminal filing fee and \$100 DNA collection fee should be stricken pursuant to State v. Ramirez, 191 Wn.2d 732, 746-50, 426 P.3d 714 (2018). The State concedes that, because Burns is indigent, the criminal filing fee should be stricken. See RCW 36.18.020(2)(h). The State also concedes that if Burns' DNA has previously been collected as a result of a prior conviction, the court must also strike the DNA collection fee. See RCW 43.43.7541. We accept the State's concessions and remand for the trial court to strike the criminal filing fee from the judgment and sentence, and to also strike the DNA collection fee if Burns' DNA has previously been collected.

FOR THE COURT:

Becker, J.
Andrus, J.
[Signature]