

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

STATE OF WASHINGTON,  
  
Respondent,  
  
v.  
  
KEVIN EUGENE HUTTON,  
  
Appellant.

No. 77721-1-1

UNPUBLISHED OPINION

FILED: DEC 31 2018

~~PER~~ PER CURIAM — Kevin Hutton appeals the DNA fee imposed as part of his sentence for assault and violations of a court order. Hutton contends, and the State concedes, that the \$100 DNA collection fee should be stricken under State v. Ramirez, 191 Wn.2d 732, 746-50, 426 P.3d 714 (2018) because Hutton's DNA was previously collected and is on file with the Washington State Patrol Crime Lab. We accept the concession of error and remand for the court to strike the DNA fee from the judgment and sentence.

Remanded for amendment of the judgment and sentence.

FOR THE COURT:

Becker, J.  
Andrus, J.  
Mann, ACJ

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2018 DEC 31 AM 8:03