

March 12, 2024

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

BRIAN MARTIN JUSTICE,

Appellant.

No. 57007-6-II

UNPUBLISHED OPINION

LEE, J. — Brian M. Justice appeals his conviction for possession of a stolen motor vehicle, arguing that remand is necessary for the trial court to enter required findings of fact and conclusions of law. Because this appeal is now moot, we dismiss it.

FACTS

Following a bench trial on May 24, 2022, Justice was found guilty of possession of a stolen motor vehicle. Justice appealed.

A commissioner of this court stayed the case to allow the trial court to enter findings of fact and conclusions of law related to the bench verdict. In an extension of the stay, the commissioner ordered that “[t]he appellant should file a supplemental designation of Clerk’s Papers after the findings are entered, upon which the stay is automatically lifted and either party may have 15 days after that pleading is part of the appellate record in order to request supplemental briefing.” Ruling (April 3, 2023). The trial court’s findings of fact and conclusions of law were entered in April 2023. Justice filed a supplemental designation of clerk’s papers, and the stay was lifted. Justice did not request to file supplemental briefing nor did he file any supplemental briefing.

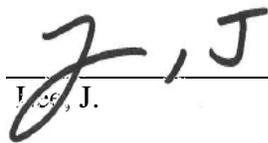
ANALYSIS

Justice appealed, arguing that remand was necessary for the trial court to enter findings of fact and conclusions of law. Because this case is now moot, we dismiss it.

We will dismiss a case that is moot. RAP 18.9(c). A case is moot if this court cannot provide effective relief. *State v. Palmer*, 24 Wn. App. 2d 1, 23, 518 P.3d 252 (2022).

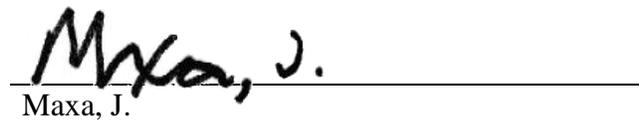
Here, the trial court has now entered findings of fact and conclusions of law. Therefore, the relief Justice is seeking has already occurred and there is no further relief that we can provide. Accordingly, Justice's appeal is moot and we dismiss it.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

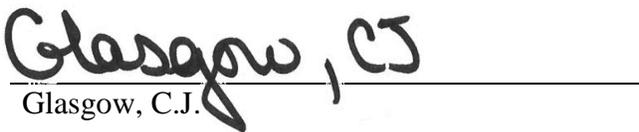


Lee, J.

We concur:



Maxa, J.



Glasgow, C.J.