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SUPREME COURT
STATE OF WASHINGTON
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No. 95249-3

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

DAVID RAMIREZ,

Petitioner.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR LEWIS COUNTY

SUPPLEMENTAL BRIEF OF PETITIONER

KATHLEEN A. SHEA
Attorney for Petitioner

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 610
Seattle, Washington 98101
(206) 587-2711

TABLE OF CONTENTS

A. INTRODUCTION 1

B. ISSUES PRESENTED FOR REVIEW 1

C. STATEMENT OF FACTS 2

D. ARGUMENT 5

1. **The discretionary legal financial obligations should be stricken because RCW 10.01.160(3), as recently amended, prohibits the imposition of costs upon an individual who has been found indigent. 5**

a. The statute has long prohibited imposition of costs upon a defendant unless he "is or will be able to pay them." 5

b. The legislature recently amended the statute to explicitly preclude the assessment of costs upon defendants who have been found indigent. 7

c. Mr. Ramirez is indigent within the meaning of the statute. 8

d. The amendments apply retroactively because they are remedial. 9

e. Even if the amendments do not apply retroactively, the newly amended statute applies to Mr. Ramirez because his case is still pending on direct appeal. 13

2. **In the alternative, a new hearing should be granted because the trial court did not perform an adequate inquiry under *Blazina*. 14**

a. Whether the trial court performed an adequate inquiry on the ability to pay is reviewed de novo. 15

b. The trial court did not conduct an adequate inquiry at Mr. Ramirez's sentencing hearing. 18

E. CONCLUSION 20

TABLE OF AUTHORITIES

Washington Supreme Court

Blackburn v. State, 186 Wn.2d 250, 375 P.3d 1076 (2016) 17

Hegwine v. Longview Fibre Co., 162 Wn.2d 340, 172 P.3d 688 (2007)17

In re Pers. Restraint of St. Pierre, 118 Wn.2d 321, 823 P.2d 492 (1992)13

State v. Blank, 131 Wn.2d 230, 930 P.2d 1213 (1997)................ 10, 12, 14

State v. Blazina, 182 Wn.2d 827, 344 P.3d 680 (2015)..................... passim

State v. Clark, 187 Wn.2d 1009, 388 P.3d 487 (2017)............................... 6

State v. Hanson, 151 Wn.2d 783, 91 P.3d 888 (2004).............................. 13

State v. Humphrey, 139 Wn.2d 53, 983 P.2d 1118 (1999) 10, 11, 12

State v. Nordby, 106 Wn.2d 514, 723 P.2d 1117 (1986) 17

State v. Ralston, 185 Wn.2d 1025, 377 P.3d 724 (2016)............................ 7

State v. Wences, 189 Wn.2d 675, 406 P.3d 267 (2017)...................... 13, 14

Washington Court of Appeals

State v. Baldwin, 63 Wn. App. 303, 818 P.2d 1116 (1991)...................... 17

State v. Bertrand, 165 Wn. App. 393, 267 P.3d 511 (2011)..................... 17

State v. Blank, 80 Wn. App. 638, 910 P.2d 545 (1996)............................ 11

State v. Clark, 191 Wn. App. 369, 362 P.3d 309 (2015) 8

State v. Lundy, 176 Wn. App. 96, 308 P.3d 755 (2013) 8, 13

State v. Mathers, 193 Wn. App. 913, 376 P.3d 1163 (2016).................... 13

State v. Ramirez, No. 48705-5, 2017 WL 4791011 (Wash. Ct. App. Oct. 24, 2017) .... passim

State v. Ramirez-Dominguez, 140 Wn. App. 233, 165 P.3d 391 (2007) 16

State v. Vicuna, 119 Wn. App. 26, 79 P.3d 1 (2003)................................ 16

Steele v. Lundgren, 85 Wn. App. 845, 935 P.2d 671 (1997).................... 17

Decisions of Other Courts

United States v. Tamman, 782 F.3d 543 (9th Cir. 2015).......................... 17

Washington Statutes

Laws of 1975-76, 2nd Ex. Sess., ch. 96... 5

Laws of 2018, ch. 269.. 7, 8, 12, 14

RCW 10.01.160 ....passim

RCW 10.101.010 ....passim

RCW 10.73.160 10

RCW 36.18.020 .... 8, 10, 12, 13

Washington Rules

GR 34... 6, 7, 15

Other Authorities

Katherine A. Beckett, Alexes M. Harris, & Heather Evans, Wash. State Minority & Justice Comm'n, *The Assessment and Consequences of Legal Financial Obligations in Washington State* (2008)...................... 6

A. INTRODUCTION

The legislature has long prohibited trial courts from imposing discretionary legal financial obligations on individuals who cannot pay them, but it recently amended the language of RCW 10.01.160(3) to specifically prevent courts from imposing any discretionary legal financial obligations on individuals deemed indigent. Because David Ramirez is indigent within the meaning of the statute, the $2,300 in discretionary legal financial obligations imposed on him by the trial court should be stricken from his judgment and sentence.

In the alternative, even under the prior version of the statute, the trial court was required to conduct an inquiry of Mr. Ramirez's financial circumstances before imposing any discretionary legal financial obligations on him. Because the court failed to engage in an adequate inquiry of Mr. Ramirez's ability to pay before entering the $2,300 order, the order should be reversed and the case remanded for a new hearing.

B. ISSUES PRESENTED FOR REVIEW

1. RCW 10.01.160(3) prohibits courts from imposing discretionary legal financial obligations on individuals who cannot afford to pay them. The legislature recently amended this statutory provision to explicitly prevent the imposition of discretionary legal financial obligations upon any individual who receives state assistance, is involuntarily committed to

a mental health facility, or whose income is 125 percent or less of the poverty level. Should this Court strike the $2,300 in discretionary legal financial obligations imposed on David Ramirez because his income was below the poverty level at the time of sentencing?

2. Under the prior version of RCW 10.01.160(3), the trial court was not permitted to order Mr. Ramirez to pay discretionary legal financial obligations without conducting an adequate inquiry of whether he had the ability to pay them. Pursuant to *State v. Blazina*,[1] this analysis must consist of an individualized inquiry on the record. Here the court made no inquiry into Mr. Ramirez's financial circumstances but imposed $2,300 in discretionary legal financial obligations based upon the limited information Mr. Ramirez provided during his request for a lesser sentence, including that he had secured a minimum wage job before his arrest. Was the court's inquiry inadequate under *Blazina*?

C. STATEMENT OF FACTS

David Ramirez had just begun to turn his life around when he was sentenced to seven years in prison. CP 76. At sentencing, in a plea for a lesser sentence, Mr. Ramirez explained to the court that before his drug

[1] 182 Wn.2d 827, 344 P.3d 680 (2015).

relapse he had felt that for the first time in his life that he was on the right track. RP 359-60.

Mr. Ramirez told the court he had secured a “temporary service team” job with Weyerhaeuser and was earning minimum wage. RP 359-60, 363. His wife had found him an apartment and, at age 47, he had opened a bank account for the first time in his life. CP 76; RP 360, 362.

Having been recently released from an extended period of civil confinement, Mr. Ramirez was learning to use a cell phone and enjoying the only luxury he afforded himself, a Direct TV subscription. RP 360. He explained he did not mind working for minimum wage because it covered all of his necessities. RP 363. He also mentioned he had children, his mother suffered from diabetes, and his wife had been diagnosed with breast cancer and was currently receiving treatment. RP 362-63.

Mr. Ramirez discussed all of these things about his life in an effort to show that, despite his criminal history, he did not deserve an exceptional sentence. RP 366. The trial court rejected his plea for a concurrent sentence, imposing a consecutive sentence of five years for third degree assault with sexual motivation and two years for possession of a controlled substance. RP 372-73; CP 80-81.

Before imposing discretionary legal financial obligations (LFOs) the court asked no questions about Mr. Ramirez’s financial circumstances

and engaged in no analysis on the record as to how it determined Mr. Ramirez had the ability to pay the LFOs. It simply stated Mr. Ramirez had the ability to "earn money and make small payments on his financial obligations." RP 375. The court imposed $600 in mandatory LFOs and $2,300 in discretionary LFOs, which consisted of $2,100 in attorney's fees and a $200 criminal filing fee. RP 375-76; CP 83.

Two judges of the Court of Appeals affirmed the imposition of LFOs but Judge Bjorgen would have held the trial court's inquiry into Mr. Ramirez's ability to pay was inadequate.[2] Judge Bjorgen explained the court failed to inquire about Mr. Ramirez's debts, education, work experience, or the size of his bank account, and Mr. Ramirez's declaration of indigency revealed he had no income or assets and owed more than $10,000.[3] Supp. CP __ (sub no. 82). Judge Bjorgen found the trial court's "cursory inquiry" only reinforced the "vicious circle" this Court previously sought to end.[4]

On March 7, 2018, this Court granted review "only on the issue of discretionary legal financial obligations." On March 27, 2018, the

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[2] *State v. Ramirez*, No. 48705-5, 2017 WL 4791011 at *6-9 (Wash. Ct. App. Oct. 24, 2017).

[3] *Id*. at *8 (Bjorgen, C.J., dissenting).

[4] *Id*.

governor signed into law House Bill 1783, which prohibits the imposition of discretionary legal financial obligations upon indigent defendants.

D. ARGUMENT

1. The discretionary legal financial obligations should be stricken because RCW 10.01.160(3), as recently amended, prohibits the imposition of costs upon an individual who has been found indigent.

a. The statute has long prohibited imposition of costs upon a defendant unless he "is or will be able to pay them."

Our legislature has long recognized the importance of protecting indigent individuals from being shackled to debt they cannot afford to pay. *See* Laws of 1975-76, 2nd Ex. Sess., ch. 96. The language of RCW 10.01.160(3), as first introduced over 40 years ago and as stated at the time of Mr. Ramirez's sentencing hearing, prevented a court from ordering an individual to pay costs as part of his criminal judgment and sentence unless he "is or will be able to pay them." *Id.*; RCW 10.01.160(3).

The language of RCW 10.01.160(3) further stated that before imposing costs against any individual, including someone who has been found indigent, the court "shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose."

Despite this plain language, for decades trial courts continued to impose discretionary LFOs against indigent individuals who could not

afford to pay them, without any regard for the burden these orders created. *State v. Blazina*, 182 Wn.2d 827, 836, 344 P.3d 680 (2015) (citing Katherine A. Beckett, Alexes M. Harris, & Heather Evans, Wash. State Minority & Justice Comm'n, *The Assessment and Consequences of Legal Financial Obligations in Washington State* (2008)).

In *Blazina*, this Court directed the courts to comply with the language of RCW 10.01.160(3). 182 Wn.2d at 837-38. The Court held the statute required courts to conduct an individualized inquiry of the person's financial circumstances before imposing any discretionary LFOs and this inquiry must be reflected in the record. *Id*. The Court also found if someone satisfied the criteria for indigency under the comment to GR 34,[5] "courts should seriously question that person's ability to pay LFOs." *Id*. at 839.

Despite the legislature's directive, and this Court's decision in *Blazina*, trial courts routinely failed to consider the nature of the burden LFOs imposed on individuals or seriously question an indigent person's ability to pay his LFOs. *See, e.g., State v. Clark*, 187 Wn.2d 1009, 388 P.3d 487 (2017) (accepting review and remanding for an adequate inquiry

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[5] GR 34 directs the waiver of fees in civil cases for indigent individuals. There are a number of ways an individual may be found indigent under the comment to GR 34, including if the individual receives public assistance or his household income is at or below 125 percent of the federal poverty guideline.

under *Blazina*); *State v. Ralston*, 185 Wn.2d 1025, 377 P.3d 724 (2016) (same). Instead, as occurred at Mr. Ramirez's sentencing, the trial court imposed discretionary LFOs on impoverished individuals who had no reliable source of income.

b. The legislature recently amended the statute to explicitly preclude the assessment of costs upon defendants who have been found indigent.

Recognizing that courts continued to impose discretionary legal financial obligations on indigent individuals, the legislature amended the statute to address this problem. The legislature eliminated the language instructing courts not to impose discretionary LFOs unless the individual "is or will be able to pay them" and instead unequivocally directed "The court shall not order a defendant to pay costs if the defendant at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c)." Laws of 2018, ch. 269, § 6.

Pursuant to subsections (a) through (c), an indigent individual is defined as someone who receives public assistance, is committed to a mental health facility against his will, or receives "an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level." RCW 10.101.010(3). This definition of indigency largely overlaps with the definition provided in the comment to GR 34, which this Court previously cautioned should make a judge

seriously question whether the individual had the ability to pay LFOs. *Blazina*, 182 Wn.2d at 839.

c. <u>Mr. Ramirez is indigent within the meaning of the statute.</u>

The trial court imposed $2,300 in discretionary LFOs against Mr. Ramirez, including $2,100 in attorney's fees and a $200 criminal filing fee. CP 83. The imposition of attorney's fees was subject to the "ability to pay" analysis under RCW 10.01.160(3), and is now subject to the indigency determination under the current statutory provision. *See State v. Clark*, 191 Wn. App. 369, 374, 362 P.3d 309 (2015) (finding attorney's fees subject to the analysis under 10.01.160(3)) (*review granted in Clark*, 187 Wn.2d at 1009, but only for purpose of requiring the trial court to engage in an adequate inquiry).

Although the Court of Appeals previously found the criminal filing fee to be mandatory and therefore not subject to RCW 10.01.160(3), the legislature amended RCW 36.18.020, the criminal filing fee statute, at the same time it amended RCW 10.01.160(3). Laws of 2018, ch. 269, § 17; *see also State v. Lundy*, 176 Wn. App. 96, 102, 308 P.3d 755 (2013) (finding filing fee mandatory). Pursuant to the amendment to RCW 36.18.020(2)(h), the $200 fee may not be imposed on an individual who is indigent under RCW 10.101.010(3) (a) through (c). Laws of 2018, ch. 269, § 17.

These amendments preclude the imposition of attorney's fees or the filing fee on an individual who is indigent under RCW 10.101.010(3)(a) through (c). The record demonstrates Mr. Ramirez was indigent under RCW 10.101.010(3)(c), because his annual income did not exceed 125 percent of the poverty level.

According to the State, Mr. Ramirez was civilly committed for several years and released in March of 2015. CP 8. In April, he was detained on a supervision violation and released in May. CP 9. He was arrested in September of 2015 on the charges in this case, and released only briefly on bond before returning to jail to await trial. CP 1; RP 369. During the limited period of time of time he was in the community between May and September he worked on a "temporary service team" earning minimum wage. RP 360, 363. At sentencing, he had no source of income and no savings. Supp. CP __ (sub no. 82).

Given these facts, there can be no genuine dispute that Mr. Ramirez satisfied the indigency requirements of RCW 10.101.010(3)(c). The discretionary LFOs should be stricken from his judgment and sentence.

d. <u>The amendments apply retroactively because they are remedial.</u>

The State may argue the changes to the statute do not apply to Mr. Ramirez because statutes are presumed to operate prospectively, but this

claim is wrong for two reasons. *See State v. Blank*, 131 Wn.2d 230, 248, 930 P.2d 1213 (1997). First, any such assertion is meritless because the amendments to the statutes are remedial and therefore apply retroactively. Second, the claim is meritless because Mr. Ramirez's appeal remains pending, making the application of the amendments prospective in his case.

Statutes are presumed to operate prospectively, but statutes and any amendments thereto operate retroactively when they are remedial in nature. *Blank*, 131 Wn.2d at 248; *State v. Humphrey*, 139 Wn.2d 53, 62, 983 P.2d 1118 (1999). Statutory language is remedial where it "applies to practice, procedure, or remedies and does not affect a substantive or vested right." *Id*. Here the amendments to RCW 10.01.160(3) and RCW 36.18.020(2)(h) are remedial and should be applied retroactively.

In *Blank*, the defendants' appeals were pending when the legislature enacted RCW 10.73.160, which permitted appellate costs to be imposed against indigent individuals. *Blank*, 131 Wn.2d at 234; Laws of 1995, ch. 275, § 3. The defendants argued that because they filed their appeals before the enactment of the statute, the statute did not apply to them unless imposed retroactively. *Blank*, 131 Wn.2d at 249. They further argued the statute could not be applied retroactively because it created a

financial liability that did not exist at the time they made the decision to appeal. *Id*. at 248.

This Court rejected both assertions. *Id*. at 249-50. It found the application of the statute was not retroactive because the triggering event (failing to substantially prevail on appeal) did not occur until the convictions were affirmed. *Id*. at 249. It further held the statute could be applied retroactively in any event because the statute was procedural and did not affect vested or substantive rights. *Id*. at 249-50. Adopting the Court of Appeals' reasoning, this Court found the statute was "clearly procedural" because it merely provided "a mechanism for recouping the funds advanced" to ensure the individuals' right to appeal. *Id*. at 250 (quoting *State v. Blank*, 80 Wn. App. 638, 641-42, 910 P.2d 545 (1996)).

In contrast, in *Humphrey*, the Court found the statutory amendment was not remedial because it created a new liability for the defendants. 139 Wn.2d at 55. In that case, the individuals committed an offense before the victim penalty assessment was increased from $100 to $500 but were convicted after the effective date of the statutory amendment. 139 Wn.2d at 55. The Court found the amendments were not remedial, and therefore could not be applied retroactively, because the amendment increased the individuals' liability. *Id*. at 63.

Pursuant to this Court's decisions, the changes to both RCW 10.01.160(3) and RCW 36.18.120(2)(h) are remedial and should be applied retroactively because they provide guidance on how to apply existing liabilities. The language of RCW 10.01.160(3) previously directed the court should not order an individual to pay costs unless he "is or will be able to pay them." *See* Laws of 2018, ch. 269, § 6. The amendments to the statute eliminated this imprecise language and instructed no costs be ordered against any individuals found indigent pursuant to RCW 10.101.010(3) (a) through (c). Unlike in *Humphrey*, the amendments to RCW 10.01.160(3) created no new liability.

Indeed, the amendments to RCW 10.01.160(3) are more clearly remedial than the amendments at issue in *Blank.* Unlike in *Blank*, where the changes to the statute actually required defendants to repay costs they were previously led to believe would be absorbed by the State, the changes to RCW 10.01.160(3) simply provide more concrete guidelines for the legislature's previous directive that individuals not be burdened with costs they cannot pay. Because the changes to RCW 10.01.160(3) are remedial, they apply retroactively.

Similarly, just as the recoupment of appellate costs was remedial under *Blank*, the legislature's directive not to recoup the $200 filing fee from indigent individuals under RCW 36.18.020(2)(h) is also remedial. In

fact, although the Court of Appeals found the $200 filing fee was mandatory in *Lundy*, 176 Wn. App. at 102, the changes to RCW 36.18.020(2)(h) reflect the practice of some trial courts, which regularly waive the $200 filing fee for indigent individuals. *See, e.g., State v. Mathers*, 193 Wn. App. 913, 917, 376 P.3d 1163 (2016) (finding the DNA fee and Victim Penalty Assessment fee mandatory but noting the trial court "waived all other LFOs" because the individual was indigent). The changes to this provision should be applied retroactively.

e. Even if the amendments do not apply retroactively, the newly amended statute applies to Mr. Ramirez because his case is still pending on direct appeal.

While the amendments to the statute apply retroactively, in Mr. Ramirez's case the application of the amendments are prospective and apply to him regardless. For purposes of a retroactivity analysis, finality is determined by whether the direct appeal has been exhausted and the petition of certiorari denied or the time permitted to file such a petition elapsed. *State v. Wences*, 189 Wn.2d 675, 682, 406 P.3d 267 (2017) (citing *In re Pers. Restraint of St. Pierre*, 118 Wn.2d 321, 326, 823 P.2d 492 (1992)). Thus "a new rule applies prospectively to all cases pending on direct review or not yet final." *State v. Hanson*, 151 Wn.2d 783, 790, 91 P.3d 888 (2004). Because Mr. Ramirez's case remains pending on

direct review, this Court may apply the amendments to RCW 10.01.160(3) prospectively here.

Whether this Court applies the changes to RCW 10.01.160 retroactively under *Blank* or prospectively under *Wences*, the result is the same: the order of $2,300 in discretionary LFOs should be stricken. Mr. Ramirez had been living in the community for only a few months and during part of that time earned minimum wage in a position with a "temporary service team." CP 8-9; RP 360, 363. At the time of sentencing, he reported no income and no savings. Supp. CP __ (sub no. 82). Mr. Ramirez was indigent under the definition provided in RCW 10.101.010(3)(c) and discretionary LFOs may not be imposed upon him. Laws of 2018, ch. 269, § 6; Laws of 2018, ch. 269, § 17; CP 83. This Court should strike the discretionary LFOs from Mr. Ramirez's judgment and sentence.

2. In the alternative, a new hearing should be granted because the trial court did not perform an adequate inquiry under *Blazina*.

Under the prior version of RCW 10.01.160(3), the trial court was not permitted to impose discretionary legal financial obligations unless it determined Mr. Ramirez had the ability to pay them. What constitutes an adequate inquiry into an individual's ability to pay is governed by this Court's decision in *Blazina*, 182 Wn.2d at 838.

a. Whether the trial court performed an adequate inquiry on the ability to pay is reviewed de novo.

In *Blazina*, this Court held RCW 10.01.160(3) required an individualized inquiry into the person's ability to pay discretionary legal financial obligations. 182 Wn.2d at 838. This Court required that such an inquiry include an individual's incarceration and his other debts, including the amount of restitution ordered in the judgment and sentence. *Id*. It also pointed out that the GR 34 standard, which overlaps with the definitions in RCW 10.101.010(3) (a) through (c), were useful in determining an individual's ability to pay discretionary LFOs, but were also "nonexhaustive." *Id.* at 839.

The Court of Appeals' majority and dissent reached different conclusions about whether the trial court performed an adequate inquiry of Mr. Ramirez's ability to pay discretionary LFOs under *Blazina*. *State v. Ramirez*, No. 48705-5, 2017 WL 4791011 at *6-9 (Wash. Ct. App. Oct. 24, 2017). The majority and the dissent agreed that whether the trial court performed an adequate inquiry is reviewed de novo, but Judge Bjorgen properly rejected the majority's assertion that an individual's ability to pay LFOs under *Blazina* is reviewed for an abuse of discretion. *Ramirez*, 2017 WL 4791011 at *6 n. 4, *7 (Bjorgen, C.J., dissenting).

As the dissent correctly explained, review of the adequacy of a *Blazina* inquiry involves both a legal and factual component. *Ramirez*, 2017 WL 4791011 at *8 (Bjorgen, C.J., dissenting). The factual component consists of determining what evidence the court considered, and the legal component consists of determining whether the court's inquiry complied with *Blazina*'s directive. *Id*.

The majority and dissent were right to agree the trial court's compliance with *Blazina* is subject to de novo review. First, the language of *Blazina* itself indicates this is correct. *See Blazina*, 182 Wn.2d at 835. In *Blazina* this Court stated, "the statute mandates that a trial judge consider the defendant's ability to pay and, here, the trial judges erred by failing to consider." *Id*.

In addition, the adequacy of a trial court's inquiry is reviewed de novo in other circumstances. For example, whether a conflict exists between an attorney and his client is reviewed de novo. *See State v. Vicuna*, 119 Wn. App. 26, 30-31, 79 P.3d 1 (2003) (applying de novo standard of review and finding trial court's inquiry "was insufficient to determine whether an actual conflict existed"). Similarly, whether an individual knowingly, intelligently, and voluntarily waived his right to a jury trial, which includes an evaluation of the adequacy of the court's inquiry, is reviewed de novo. *See State v. Ramirez-Dominguez*, 140 Wn.

App. 233, 239-240, 165 P.3d 391 (2007); *United States v. Tamman*, 782 F.3d 543, 551 (9th Cir. 2015).

Where the trial court has conducted an adequate inquiry under *Blazina*, the reviewing court must turn to the factual component, and evaluate what evidence the court actually considered. While Judge Bjorgen noted two pre-*Blazina* decisions used a "clearly erroneous" standard to resolve the factual question, this is not the correct standard.[6] *Ramirez*, 2017 WL 4791011 at *7 (Bjorgen, C.J., dissenting).

This Court reviews factual findings for substantial evidence. *Blackburn v. State*, 186 Wn.2d 250, 256, 375 P.3d 1076 (2016) (citing *Hegwine v. Longview Fibre Co.*, 162 Wn.2d 340, 352, 172 P.3d 688 (2007)). Under this standard, this Court will reverse unless the evidence is sufficient "to persuade a rational, fair-minded person of the truth of the finding." *Blackburn*, 186 Wn.2d at 256 (citing *Hegwine*, 162 Wn.2d at 353).

This Court should hold that whether the trial court made an adequate inquiry into an individual's ability to pay discretionary LFOs is

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[6] The two decisions, *State v. Bertrand*, 165 Wn. App. 393, 403-04, 267 P.3d 511 (2011) and *State v. Baldwin*, 63 Wn. App. 303, 312, 818 P.2d 1116 (1991), rely on *State v. Nordby*, 106 Wn.2d 514, 723 P.2d 1117 (1986), for their use of the "clearly erroneous" standard. *Nordby* did not involve a challenge to LFOs and the Court cited no authority for its use of this standard, commonly used by federal courts, instead of the substantial evidence standard. 106 Wn.2d at 518; *see also Steele v. Lundgren*, 85 Wn. App. 845, 850, 935 P.2d 671 (1997) (clear error test is applied by federal courts).

reviewed de novo, and the court's factual findings as to the individual's ability to pay are reviewed for substantial evidence.

b. The trial court did not conduct an adequate inquiry at Mr. Ramirez's sentencing hearing.

Pursuant to *Blazina* and the plain language of the prior version of RCW 10.01.160(3), the trial court did not perform an adequate inquiry into Mr. Ramirez's ability to pay $2,300 in discretionary LFOs. At Mr. Ramirez's sentencing hearing, the State addressed the court first and did not request LFOs. RP 346-48. Before allowing defense counsel to speak, the trial court asked the State to confirm it believed Mr. Ramirez "had the ability to make money to make periodic payments on his LFOs," and the State obliged, arguing Mr. Ramirez could earn enough money even while in prison. RP 348.

In response to the State's request for an exceptional sentence totaling 10 years, defense counsel understandably focused his argument on the length of Mr. Ramirez's sentence and the risk of future civil confinement. RP 346, 348-55. Ultimately, the court was convinced it could not impose a sentence of more than seven years. RP 372.

Mr. Ramirez also addressed the court directly, explaining that before his drug relapse he had made some progress toward establishing stability. He discussed his "temporary service team" job earning minimum

wage and his attendance at church. RP 360, 363. Like any defendant facing sentencing, Mr. Ramirez's goal was to counter the State's negative portrayal of him and direct the court's attention to his accomplishments in order to persuade the court he was deserving of a lesser sentence. RP 366.

Although the trial court specifically elicited from the prosecutor that she believed Mr. Ramirez could pay discretionary LFOs even while he was incarcerated, the court conducted no additional inquiry into Mr. Ramirez's financial circumstances. RP 348. For example, the court did not inquire about how many hours Mr. Ramirez worked, the total income he received that year, or other expenses he might have, such as such child support or medical bills. *See* RP 362-63 (discussing his family's health concerns and his children). It also did not explain what, if any, consideration it gave to the fact Mr. Ramirez's job paid only minimum wage and was "temporary," or that Mr. Ramirez was returning to prison for seven years.

Had the court conducted the required *Blazina* inquiry it would have learned, as Judge Bjorgen pointed out, that Mr. Ramirez was approximately $10,000 in debt and had no savings or assets. *Ramirez*, 2017 WL 4791011 at *8 (Bjorgen, C.J., dissenting); Supp. CP __ (sub no. 82). Instead, after hearing argument from the parties, the court declared simply that Mr. Ramirez had the "ability to earn money" and could

therefore pay $2,300 in discretionary legal financial obligations.[7] RP 375-76.

As Judge Bjorgen found, this inquiry could "in no manner" be "deemed serious questioning of Ramirez's ability to pay." *Ramirez*, 2017 WL 4791011 at *8 (Bjorgen, C.J., dissenting). The court's failure to engage in a meaningful inquiry was inadequate under *Blazina* and RCW 10.01.160(3). This Court should remand for a new hearing.

E. <u>CONCLUSION</u>

For the reasons stated above, Mr. Ramirez respectfully asks this Court to strike the discretionary LFOs from his judgment and sentence or, in the alternative, remand his case for a hearing on his ability to pay.

DATED this 20th day of April, 2018.

Respectfully submitted,

____
KATHLEEN A. SHEA (WSBA 42634)
Washington Appellate Project
Attorneys for Petitioner

[7] The judge initially believed the attorney's fees totaled $900, but when he questioned defense counsel about this number, defense counsel admitted the attorney fees in fact totaled $1,200. RP 375.

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

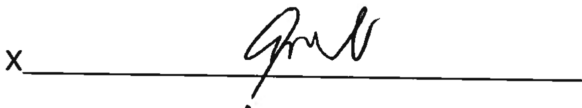
STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	NO. 95249-3
v.	)	
	)	
DAVID RAMIREZ,	)	
	)	
Petitioner.	)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 20TH DAY OF APRIL, 2018, I CAUSED THE ORIGINAL **SUPPLEMENTAL BRIEF OF PETITIONER** TO BE FILED IN THE **WASHINGTON STATE SUPREME COURT** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X] JESSICA BLYE, DPA [appeals@lewiscountywa.gov] LEWIS COUNTY PROSECUTING ATTORNEY 345 W MAIN ST FL 2 CHEHALIS, WA 98532	( ) ( ) (X)	U.S. MAIL HAND DELIVERY E-SERVICE VIA PORTAL
[X] DAVID RAMIREZ 954222 AIRWAY HEIGHTS CORRECTIONS CENTER PO BOX 2049 AIRWAY HEIGHTS, WA 99001	(X) ( ) ( )	U.S. MAIL HAND DELIVERY __________

SIGNED IN SEATTLE, WASHINGTON THIS 20TH DAY OF APRIL, 2018.

X 

Washington Appellate Project
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Seattle, WA 98101
Phone (206) 587-2711
Fax (206) 587-2710

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