

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

STATE OF WASHINGTON,

Respondent.

v.

RICHARD EARL RETTIG,

Appellant.

No. 85160-8-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM —Richard Earl Rettig filed an appeal challenging the imposition of a \$500 Victim Penalty Assessment (VPA) as part of his judgment and sentence. When Rettig was sentenced in March 2023, the VPA was a mandatory condition of all sentences. Former RCW 7.68.035 (2018). Effective July 1, 2023, the legislature added a subsection to RCW 7.68.035 that prohibits courts from imposing the VPA on indigent defendants as defined in RCW 10.01.160(3). State v. Ellis, 27 Wn. App. 2d 1, 16, 530 P.3d 1048 (2023). The State does not dispute that Rettig is indigent and concedes that this matter should be remanded to strike the VPA from Rettig’s judgment and sentence.

We accept the State’s concession and remand to the superior court to strike the VPA provision from the judgment and sentence entered in Snohomish County Superior Court Cause No. 20-1-00252-31.

FOR THE COURT:

Hyslop, A.J.

Burnham, J.

Mann, J.