IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	NOS. 64616-8-I
	)	64692-3-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	UNPUBLISHED OPINION
JOSHUA ISLER,	)	
Appellant.	)	FILED: November 14, 2011

Lau, J. — In two separate but linked cases, Joshua Isler argues his guilty pleas were unknowing, in violation of his due process rights, because the court failed to inform him about all direct consequences resulting from his pleas. But because Isler cites no authority supporting the contention that the term "fine" fails to encompass attorney fees or incarceration costs, we affirm both challenged disposition orders.

FACTS

On August 11, 2003, Joshua Isler was charged in juvenile court with one count of first degree criminal trespass (the trespass case). He pleaded guilty to the charge on September 5, 2003. In the statement of juvenile on plea of guilty, Isler was informed that the standard sentencing range included 0 to 12 months' supervision, 0 to 150 hours' community service, a $0 to $500 fine, a $100 crime victim compensation fee, and restitution "as ordered." Report of Proceedings (RP) (Sept. 5, 2003) at 4, 11. The court ordered Isler to serve 12 days' detention, and pay a $100 crime compensation fee

and $25 for attorney fees.

On March 17, 2006, Isler was charged in juvenile court with one count of third degree theft (the theft case). On April 12, 2006, Isler pleaded guilty to the charge. In the statement of juvenile on plea of guilty, Isler was informed that the standard sentencing range included 1 to 12 months' supervision, 0 to 150 hours' community service, a $0 to $500 fine, 0 to 30 days detention, a $100 crime victim compensation fee, and restitution as ordered by the court. The court reviewed the statement of juvenile on plea of guilty with Isler, including the possible punishment that might be imposed if he pleaded guilty. The court ordered a chemical dependency disposition alternative. Isler was ordered to serve 30 days in detention and was given credit for 30 days already served. Isler was also ordered to pay a $100 crime victim compensation fee, $30 in attorney fees, and $2.50 per day detention costs. These detention costs totaled $75.

DISCUSSION

Isler argues his guilty pleas are constitutionally invalid because the trial court failed to inform him about all direct consequences of his pleas. In the trespass case, he argues the court did not inform him he would be responsible for attorney fees. In the theft case, he again argues the court did not inform him he would be responsible for attorney fees and also argues the court did not inform about his responsibility for incarceration costs. The State counters that because his plea agreements and the court in each case informed Isler he would be responsible for up to $500 in fines, he was informed of all direct consequences of his pleas. We agree.

"Due process requires that a defendant's guilty plea be knowing, voluntary, and intelligent." In re Pers. Restraint of Isadore, 151 Wn.2d 294, 297, 88 P.3d 390 (2004). Likewise, CrR 4.2(d) mandates that the trial court not accept a guilty plea without first determining that a criminal defendant has entered into the plea voluntarily, competently, and with an understanding of the nature of the charge and the consequences of the plea. A court must allow a defendant to withdraw a guilty plea whenever "necessary to correct a manifest injustice." CrR 4.2(f); see State v. Taylor, 83 Wn.2d 594, 596, 521 P.2d 699 (1974). A defendant can prove a manifest injustice by showing (1) ineffective assistance of counsel, (2) the plea was not voluntary, (3) the prosecution did not honor the plea agreement, or (4) he or she did not ratify the plea. Taylor, 83 Wn.2d at 597; State v. Paul, 103 Wn. App. 487, 494, 12 P.3d 1036 (2000).

For a plea to be knowing and voluntary, a criminal defendant must be informed of all direct consequences of his plea. State v. Ross, 129 Wn.2d 279, 284, 916 P.2d 405 (1996). However, "[a] defendant need not be informed of all possible consequences of a plea but rather only direct consequences." Ross, 129 Wn.2d at 284. A direct consequence is one which "'represents a definite, immediate and largely automatic effect on the range of defendant's punishment.'" Ross, 129 Wn.2d at 284 (quoting State v. Barton, 93 Wn.2d 301, 305, 609 P.2d 1353 (1980)).

In each case, Isler, his counsel, and the trial court signed a statement of juvenile on plea of guilty informing Isler that the standard sentencing range included a $0 to $500 "fine." Also, in each case, the court discussed the conditions of Isler's pleas with him, including the standard range sentences, and Isler indicated that he understood.

Nevertheless, Isler argues that because the court provided no notice about all direct consequences of his plea—specifically that he would be responsible for attorney fees or incarceration costs—his pleas were unknowing. He relies on State v. Cameron, 30 Wn. App. 229, 234, 633 P.2d 901 (1981), where we held that restitution is a direct consequence of a guilty plea. In Cameron, because defendant's plea was otherwise voluntary, we struck the restitution order. Cameron, 30 Wn. App. at 234. But even assuming attorney fees and incarceration costs are direct consequences of a guilty plea, Isler provides no response to the State's argument that he was informed about the consequences of his plea because the term "fine" encompasses attorney fees and incarceration costs.

Although it may be fairly implied from Isler's argument that he asserts attorney fees and incarceration costs do not constitute fines, Isler cites no authority for such a position. The dictionary definition of "fine" suggests that the term may encompass the attorney fees and incarceration costs at issue here: "A pecuniary criminal punishment or civil penalty payable to the public treasury." Black's Law Dictionary 708 (9th ed. 2009). Because Isler offers no controlling authority for the position that fees do not include attorney fees and incarceration costs, we need not address it. "'Where no authorities are cited in support of a proposition, the court is not required to search out authorities, but may assume that counsel, after diligent search, has found none.'" State v. Logan, 102 Wn. App. 907, 911, 10 P.3d 504 (2000) (quoting DeHeer v. Seattle Post-Intelligencer, 60 Wn.2d 122, 126, 372 P.2d 193 (1962)). Isler also offers inadequate briefing for this court to decide the issue. State v. Thomas, 150 Wn.2d 821, 868-869,

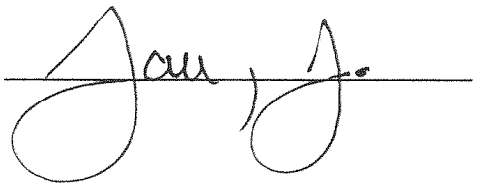
83 P.3d 970 (2004) ("this court will not review issues for which inadequate argument has been briefed or only passing treatment has been made.").

Even if we addressed the argument, we agree with the State that State v. Hurt, 107 Wn. App. 816, 830-31, 27 P.3d 1276 (2001), is more analogous to the question presented here than Cameron. In Hurt, Division Three of this court rejected defendant's argument that "he was not informed of the specifics of his restitution" and his plea was therefore not voluntary. 107 Wn. App. at 830. Hurt was informed that "he would be required to compensate the victim's family for their medical, funeral, and similar expenses," which was sufficient to support the guilty plea. Hurt, Wn. App. at 831. We reasoned, "The fact that the family had received an advance from the state fund which was reimbursable does not place any additional burden on Mr. Hurt." Hurt, 107 Wn. App. at 831.

Similarly, here, uncertainty as to the monetary penalty's specific make up did not render the plea unknowing because Isler had notice he was facing up to a $500 fine in each case. Accordingly, he was aware at the time he entered his pleas that he could be responsible for financial costs up to $500. He was assessed far less than that amount.

CONCLUSION

Because Isler had notice regarding all direct consequences resulting from his challenged guilty pleas in these linked cases, Isler fails to demonstrate that his pleas were unknowing. We affirm both challenged disposition orders.



WE CONCUR:

Spearman, J. Leach, A.C.J.