

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 68149-4-I
Respondent,)	
)	DIVISION ONE
v.)	
)	UNPUBLISHED OPINION
JOSHUA DALE MONSON,)	
)	
Appellant.)	FILED: December 31, 2012

Per Curiam. — Joshua Monson appeals the sentence imposed following his conviction for possession of methamphetamine. He contends the court’s boilerplate finding that he “has the ability or likely future ability to pay the legal financial obligations imposed” is not supported by the record and must be stricken. He does not challenge the financial obligations imposed by the court – i.e. the victim’s penalty assessment, crime lab fee, and DNA collection fee – and he concedes that those obligations are mandatory. He seeks only to strike the court’s finding regarding his ability to pay. Because the finding is immaterial, we affirm.

The trial court is not required to enter findings regarding a defendant's ability to pay before it orders the defendant to pay financial obligations. State v. Blank, 131 Wn.2d 230, 241-42, 930 P.2d 1213 (1997); State v. Curry, 118 Wn.2d 911, 916, 829 P.2d 166 (1992). The proper time for findings “is the point of collection and when sanctions are sought for nonpayment.” Blank, 131 Wn.2d at 241-42; State v. Crook, 146 Wn. App. 24, 189 P.3d 811 (2008). While sentencing courts must consider the

No. 68149-4-1/2

defendant's financial situation before imposing non-mandatory costs, see RCW 10.01.160(3),¹ State v. Baldwin, 63 Wn. App. 303, 308-12, 818 P.2d 1116 (1991), State v. Bertrand, 165 Wn. App. 393, 404, 267 P.3d 511 (2011), review denied, 175 Wn.2d 1014 (2012), such consideration is not necessary at sentencing when, as here, the financial obligations imposed are mandatory. See e.g. State v. Thompson, 153 Wn. App. 325, 336-338, 223 P.3d 1165 (2009) (DNA fee is mandatory and imposed regardless of hardship); State v. Williams, 65 Wn. App. 456, 460-61, 828 P.2d 1158 (1992) (victim penalty assessment "is mandatory and requires no consideration of a defendant's ability to pay" at sentencing); Curry, 62 Wn. App. at 682-83; RCW 43.43.690(1) ("the court shall levy a crime laboratory analysis fee"). In these circumstances, the challenged finding is immaterial and does not warrant relief. State v. Caldera, 66 Wn. App. 548, 551, 832 P.2d 139 (1992).

Affirmed.

For the court:

Becker, J.

Cox, J.

Jain, J.

¹ RCW 10.01.160(3) provides: "The court shall not order a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose."