

May 2, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the Matter of the
Personal Restraint Petition of

BRIAN DAVID THOMPSON,

Petitioner.

No. 49678-0-II

UNPUBLISHED OPINION

SUTTON, J. — Brian Thompson seeks relief from personal restraint resulting from five Cowlitz County Superior Court judgments and sentences¹ and one Pierce County judgment and sentence.² He argues that under RCW 9.94A.760(4), the legal financial obligations (LFOs) imposed in those judgments and sentences are void because more than 10 years have expired since

¹ Cause numbers 91-1-00138-1, 91-1-00204-2, 96-1-00850-5, 99-1-00032-1 and 99-1-00164-5.

² Cause number 93-1-01649-4.

his release from total confinement and the State did not obtain an extension of the 10-year period. He further argues that under RCW 9.94A.637(1)(b)(ii), because his LFOs are void and because he has completed all other requirements of his judgments and sentences, he is entitled to certificates of discharge of those judgments and sentences.

Under *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525 (2008):

LFOs for pre-July 2000 offenses expire and become void after 10 years unless the superior court extends them for another 10 years prior to the expiration of the first period. Gossage committed his offense before July 2000, and the court did not extend the limitation period. Thus, Gossage no longer has any LFOs.

Under the discharge statute, the superior court is required to issue a certificate of discharge if an offender satisfies all sentencing requirements and LFOs. RCW 9.94.637. It is undisputed that Gossage satisfied his sentencing requirements, and we conclude that he has no remaining LFOs. The superior court must issue Gossage a certificate of discharge.

The State concedes that Thompson committed his crimes before July 2000 and that the superior court did not extend the 10-year limitation period. Thus, it concedes that under *Gossage*, Thompson's LFOs for those crimes are void. And it concedes that because Thompson's LFOs for those crimes are void, he appears, under *Gossage*, to be entitled to certificates of discharge of the judgments and sentences as to those crimes.³

We accept the State's concessions and remand all of the above cause numbers to the respective superior courts for entry of orders declaring the LFOs void and, unless the court finds

³ Thompson asserts that he has completed all non-LFO sentencing requirements for all six judgments and sentences. The State has not presented evidence challenging that assertion, although it suggests that there may be some requirements that Thompson has not completed.

No. 49678-0-II

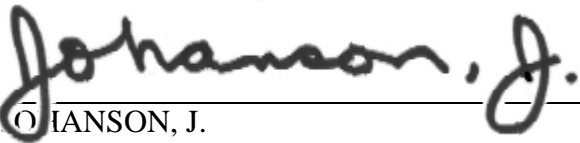
that Thompson has not completed some non-LFO sentencing requirement, for entry of certificates of discharge.

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.


SUTTON, J.

We concur:


WORSWICK, P.J.


JOHANSON, J.