

_____ COUNTY SUPERIOR COURT
STATE OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

_____,
Defendant.

NO.

**MEMORANDUM IN SUPPORT OF
PETITION FOR CERTIFICATE OF
DISCHARGE**

I. FACTS

On _____ Defendant was convicted of _____. See Judgment and Sentence. The Court imposed a sentence of _____, including _____ LFOs. Id. On _____, the Court signed an order extending the judgment. See Order Extending Judgment. The Judgment was deemed “uncollectible” on _____ by DOC. See docket list. The Judgment expired on or about _____.

Defendant has completed the non-financial terms of their sentence. See Petition for Certificate of Discharge at 1. Defendant’s legal financial obligations have expired. Therefore, they now ask this Court for a Certificate of Discharge for this conviction.

II.

ARGUMENT

Defendant is entitled to a certificate of discharge. A certificate of discharge restores the civil rights of someone after a felony conviction. [RCW 9.94A.637\(4\)](#). The court will issue a certificate of discharge when an individual has completed all of his/her sentence requirements, including any LFOs. [RCW 9.94A.637\(1\)\(a\)](#). 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 9.94A.637](#)

All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments.

RCW 9.94A.760(5). The plain language of RCW 9.94A.760(5) is clear. "Accordingly, 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." *State v. Gossage*, 165 Wn.2d 1, 8, 195 P.3d 525 (2008).

Here, the State timely moved to extend the judgment for 10 years, but when that second ten-year period elapsed this Court lost jurisdiction to enforce. "Thus, [the Defendant] no longer has any LFOs." *Id.* Because Defendant has completed all the terms and conditions of their judgment and sentence, and they 'no longer have LFOs,' this Court should enter a certificate of discharge.

Respectfully submitted this _____ day of _____ 2022.

Name, WSBA #
Attorney for Defendant