

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 JOHN LLOYD KIRK, )  
 )  
 Appellant. )

No. 71865-7-1  
DIVISION ONE  
UNPUBLISHED OPINION  
FILED: JUN 15 2015

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COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2015 JUN 15 AM 10:15

PER CURIAM — John Kirk appeals from the judgment and sentence entered following his conviction for attempted rape of a child in the second degree. The State concedes that Kirk was misinformed of the maximum penalty for his offense and that he therefore did not knowingly waive his constitutional right to counsel.<sup>1</sup> See State v. Silva, 108 Wn. App. 536, 540-41, 31 P.3d 729 (2001). We accept the State’s concession, reverse the conviction, and remand for further proceedings. Accordingly, we do not address Kirk’s motion to extend the time to file a statement of additional grounds for review.

Reversed and remanded.

FOR THE COURT:

Cox, J.  
Schibella, J.  
Leach, J.

<sup>1</sup> The judge who granted Kirk’s motion to proceed pro se was not the judge who signed the judgment and sentence.