

THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

STATE OF WASHINGTON, ) No. 79415-9-1  
 )  
 Respondent, )  
 ) UNPUBLISHED OPINION  
 v. )  
 )  
 TIMOTHY HARRIS, )  
 )  
 Appellant. ) FILED: **MAR 16 2020**

PER CURIAM – Timothy Harris appeals his convictions for first degree rape and first degree robbery. He contends, and the State concedes, that the convictions must be reversed because the jury was instructed on an uncharged alternative means of committing each crime, and because the error was not harmless beyond a reasonable doubt. In addition, Harris contends, and the State concedes, that the mandatory joinder rule precludes the State from charging the previously uncharged alternative means in any new charging document on remand. We accept the concession of error and reverse and remand for further proceedings consistent with this opinion.

Chun, J.

Andrus, J.

Mann, ACT