

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

IN THE MATTER OF THE	)	No. 79718-2-1
PERSONAL RESTRAINT OF:	)	
	)	DIVISION ONE
DAVID WAYNE ELMER,	)	
	)	UNPUBLISHED OPINION
Petitioner.	)	
	)	
_____	)	

PER CURIAM. In 2011, David Elmer pleaded guilty to five offenses in two separate cause numbers, Snohomish County Superior Cause Nos. 10-1-01883-7 and 11-1-00143-6. With respect to his convictions for second degree identity theft in both causes, the court imposed sentences of 57 months of confinement to be followed by 12 months of community custody.

In March 2019, Elmer filed this personal restraint petition alleging, among other things, that the identity theft sentences exceed the 5-year statutory maximum. See RCW 9.35.020(3); RCW 9A.20.021(1)(c). The State concedes error. We accept the State's concession and remand for the trial court to reduce the relevant community custody terms so that Elmer's total sentences do not exceed the statutory maximum. RCW 9.94A.701(9) See State v. Boyd, 174 Wn.2d 470, 275 P.3d 321 (2012); see also State v. Winborne, 167 Wn. App. 320, 329, 273 P.3d 454, review denied, 174 Wn.2d 1019 (2012).

For the court:

