

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	No. 80435-9-I
)	
Respondent,)	
)	
v.)	UNPUBLISHED OPINION
)	
JOHN STUART DELAFIELD,)	
)	
Appellant.)	

PER CURIAM — John Delafield appeals the sentence imposed following his conviction for possessing a controlled substance, i.e., heroin. Delafield contends, and the State concedes, that the State failed to prove his criminal history by a preponderance of the evidence and that Delafield must be resentenced. The State adds, and Delafield does not dispute, that it is entitled on remand to present relevant evidence to prove Delafield’s proper offender score. We accept the State’s concession and remand for resentencing. Because Delafield will be resentenced, we need not reach his claim regarding the community supervision fee.

Remanded for proceedings consistent with this opinion.

FOR THE COURT:

Lippelwick, J.

Andrus, A.C.J.

Dwyer, J.