

February 13, 2019

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

**DIVISION II**

In the Matter of the  
Post-Sentence Petition of

MARCUS ALAN CHURCH,

Respondent.

No. 52011-7-II

UNPUBLISHED OPINION

MAXA, C.J. — The Department of Corrections (DOC) petitioned this court under RCW 9.94A.585(7) to review the sentence imposed by the trial court in *State v. Marcus Alan Church*, Lewis County Superior Court Cause No. 17-1-00650-21.

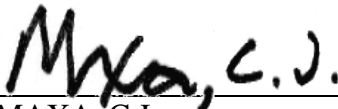
In its judgment and sentence, the trial court imposed 36 months of community custody as part of Church’s sentence for attempted failure to register as a sex offender. DOC asserts that attempted failure to register as a sex offender is not a sex offense for which community custody can be imposed under RCW 9.94A.702(1).

In *Postsentence Review of Thompson*, we held that DOC is correct and that attempted failure to register as a sex offender does not qualify for the imposition of community custody. 6 Wn. App. 2d 64, 73, 429 P.3d 545 (2018). Accordingly, we grant DOC’s petition and remand

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Church's judgment and sentence to the superior court to strike the imposition of community custody.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

  
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MAXA, C.J.

We concur:

  
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WORSWICK, J.

  
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MELNICK, J.