

September 21, 2021

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

**DIVISION II**

In the Matter of the Personal Restraint of  
NATHAN DANIEL TANNERT,  
Petitioner.

No. 55310-4-II

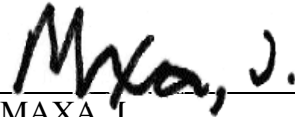
UNPUBLISHED OPINION

MAXA, J. – Nathan Tannert seeks relief from personal restraint imposed following his 2019 guilty plea to several felonies and gross misdemeanors, including second degree assault with a firearm enhancement (count I). For count I, the trial court imposed a base sentence of 63 months of confinement and a 36-month firearm sentencing enhancement, plus 36 months of community custody.

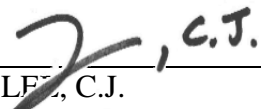
Tannert argues that his sentence is unlawful because the combination of his term of confinement and his term of community custody, 135 months, exceeds the statutory maximum sentence for count I, which is 120 months. RCW 9A.36.021(2) and RCW 9A.20.021(1)(b). The State concedes error and requests that the case be remanded for the trial court to correct the term of community custody so that it does not exceed the statutory maximum sentence.


We accept the State’s concession and remand for the trial court to correct the term of community custody in Tannert’s judgment and sentence.

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, J.

We concur:

  
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LEE, C.J.

  
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GLASGOW, J.