

December 18, 2018

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the
Personal Restraint Petition of

JEREMY ARTHUR MICHAEL ROE,

Petitioner.

No. 51418-4-II

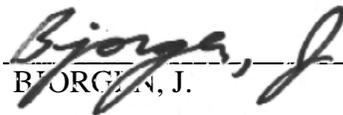
UNPUBLISHED OPINION

BJORGEN, J. — Jeremy Roe seeks relief from personal restraint resulting from his 2016 plea of guilty to unlawful possession of a controlled substance.¹ He argues that the trial court erred in imposing a 57-month term of confinement when the standard sentencing range for his crime was 12+ to 24 months. The State concedes that the term of confinement is a scrivener’s error resulting from the sentence being imposed concurrently with sentences in two other pleas of guilty to second degree identity theft (Pierce County Superior Court Cause Nos. 15-1-03279-0 and 15-1-03600-1) in which the court imposed concurrent 57-month sentences. It has provided a transcript of the sentencing hearing in which the judge stated, “I am going to impose the high end of the range.” Verbatim Report of Partial Proceedings (June 10, 2016) at 3. Thus, the State asks that

¹ Because Roe’s judgment and sentence is facially invalid, it is not subject to RCW 10.73.090’s time bar.

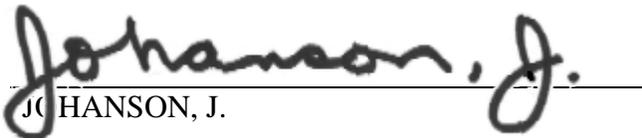
Roe's judgment and sentence be remanded to correct his term of confinement to be 24 months. We accept the State's concession and remand Roe's judgment and sentence for correction as described above.²

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.


BJORGE, J.

We concur:


WORSWICK, P.J.


JOHANSON, J.

² Roe also argues that the combination of his 57-month term of confinement and his 12-month term of community custody exceeds the 60-month statutory maximum penalty for his crime. But once the term of confinement is corrected, the combination of the terms will no longer exceed the statutory maximum penalty. Although he does not challenge his identity theft judgments and sentences, which contain the same combination of terms of confinement and community custody, the State represents that it will have those judgments and sentences corrected so they do not exceed the statutory maximum penalty.