

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 70902-0-1
Respondent,)	
)	DIVISION ONE
v.)	
)	UNPUBLISHED OPINION
CAREY BROWN WYATT,)	
)	
Appellant.)	FILED: <u> JUL </u> <u> 7 </u> 2014
)	

PER CURIAM. — Carey Wyatt appeals the restitution order entered after he pleaded guilty to one count of third degree assault. The State concedes—and we agree—that Wyatt did not expressly agree to pay restitution for an uncharged offense. Accordingly, the trial court erred in entering the order of restitution for Jessica Smith. See State v. Miszak, 69 Wn. App. 426, 429, 848 P.2d 1329 (1993).

The order of restitution is reversed and the matter remanded to the superior court to strike Appendix E, the August 14, 2013 order setting restitution, from the judgment and sentence.

For The Court:

Appelwick, J.

Dwyer, J.

 COX, J.

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 STATE OF WASHINGTON
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