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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

IN THE MATTER OF THE)	No. 73578-1-I
PERSONAL RESTRAINT OF:)	
)	DIVISION ONE
JORRELL AVERY HICKS,)	
)	UNPUBLISHED OPINION
Petitioner.)	
)	FILED: MAY 23 2016
_____)	

PER CURIAM. A jury convicted Jorrell Hicks of several charges stemming from a drug-related robbery and shooting in Snohomish County Superior Court Cause No. 11-1-02036-8. He filed a personal restraint petition, alleging, among other things, that the court imposed a sentence that exceeds the 10-year statutory maximum on his conviction of possession of a controlled substance with intent to deliver. See RCW 69.50.401; RCW 9A.20.021(b). The State concedes error.

We accept the State's concession that the trial court exceeded its authority in sentencing Hicks to a term of community custody of 12 months in addition to a 120-month term of confinement (consisting of a base term of 84 months plus a 36-month firearm enhancement), the statutory maximum for the offense. The trial court was required under RCW 9.94A.701(9) to reduce his term of community custody to zero. See State v. Boyd, 174 Wn.2d 470, 275 P.3d 321 (2012); see also State v. Winborne, 167 Wn. App. 320, 329, 273 P.3d 454, review denied, 174 Wn.2d 1019 (2012).

Accordingly, we grant Hicks's petition as to this issue and remand to the trial court to amend the community custody term consistent with RCW 9.94A.701(9).¹

For the court:

Cypelwick, J.
COX, J.
Leach, J.

¹ Hicks has filed a motion seeking reconsideration of the March 18, 2016 order of the Acting Chief Judge dismissing the other claims raised in his petition. Because the Rules of Appellate procedure do not permit motions for reconsideration of such orders, the motion will be placed in the file without further action. See RAP 12.4(a). The appropriate mechanism for review of the Acting Chief Judge's order of dismissal is by discretionary review in the Supreme Court. See RAP 16.14(c).