

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JASON RYAN McCALL,

Appellant.

No. 75260-0-I

DIVISION ONE

UNPUBLISHED OPINION

FILED: SEP 18 2017

2017 SEP 18 AM 8:46

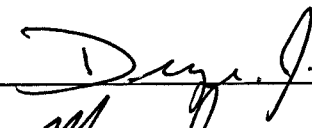
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COURT OF APPEALS DIV 1
STATE OF WASHINGTON

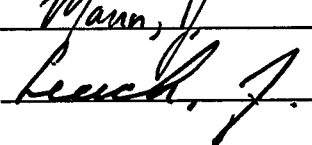
PER CURIAM. Jason McCall appeals the sentence imposed following his convictions for fourth degree assault with sexual motivation and second degree child molestation. He contends, and the State concedes, that the court abused its discretion in concluding that his prior convictions for unlawful possession of a firearm were not the same criminal conduct. He also contends, and the State again concedes, that the court erred in including a prior Texas conviction in his offender score. We accept the State's concessions and remand for resentencing on a corrected offender score. State v. Wilson, 170 Wn.2d 682, 691, 244 P.3d 950 (2010) (remedy for miscalculated offender score is resentencing using correct offender score).

Because the State concedes error on the issues raised by McCall and has not requested costs, we need not reach McCall's request that we reject any claim by the State for costs on appeal.

Remanded for resentencing consistent with this opinion.

For the court:



Mann, J.


Leach, J.