

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 CLYDE LEE MCKNIGHT,)
)
 Appellant.)

No. 75666-4-I
DIVISION ONE
UNPUBLISHED OPINION
FILED: JAN 16 2018

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 JAN 16 AM 9:14

PER CURIAM. Clyde McKnight appeals the sentence imposed following his conviction for possession of cocaine. He contends, and the State concedes, that the sentencing court violated State v. Bergstrom, 162 Wn.2d 87, 169 P.3d 816 (2007) when it ignored his challenge to the inclusion of prior juvenile convictions in his offender score. We accept the concession of error and concur with the parties' assertion that McKnight is entitled to a new sentencing hearing at which the State may attempt to prove the challenged criminal history. If the State fails to carry its burden, the court must amend McKnight's offender score and resentence him using the correct offender score and standard range.

Remanded for resentencing consistent with this opinion.

For the Court:

Becker, J.
Appelwhite, J.
Spencer, J.