

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

In re the Detention of:

JONATHAN PAUL GREEN,

Respondent.

No. 86633-8-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM — In 2005, Jonathan Green was charged with rape in the second degree, but the charge was dismissed without prejudice after he was found incompetent to stand trial and unlikely to regain competency within a reasonable period of time. In 2020, the State filed a petition to civilly commit Green as a sexually violent predator under chapter 71.09 RCW. On April 2, 2024, the trial court granted Green's motion for a jury trial for the threshold determination of whether he committed a predicate sexually violent act under RCW 71.09.060(2).

The State sought discretionary review. While the State's motion was pending, this court held that incompetent individuals are not entitled to a jury trial under RCW 71.09.060(2) to determine whether they committed a predicate sexually violent act. In re Detention of Ross, \_\_ Wn. App. 2d \_\_, 547 P.3d 278, 281, review denied, 3 Wn.3d 1011 (2024). The State and Green agreed that Ross controls and that review is appropriate. This court granted discretionary review. In light of Ross, we remand to the trial court for further proceedings consistent with that opinion.

Remanded.

FOR THE COURT:

Cohen, J.

Chung, J.

Dwyer, J.