

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 68338-1-I
Respondent,)	
)	DIVISION ONE
v.)	
)	UNPUBLISHED OPINION
AARON ALFRED DODGE,)	
)	
Appellant.)	FILED: February 19, 2013

Per Curiam – Aaron Dodge appeals his convictions for two counts of felony harassment and one count of intimidating a witness. He argues that the convictions must be reversed because the information did not include the “true threat” element of threat crimes involving speech. This argument is controlled by our State Supreme Court’s recent decision in State v. Allen, No. 86119-6, 2013 WL 259383 (Wash. Jan. 24, 2013) (“true threat” concept defines the threat element of an offense; it is not itself an element that must be included in either the information or the to-convict instruction). Dodge also argues, and the State concedes, that his offender score erroneously included an extra point for committing crimes while on community custody and therefore he is entitled to resentencing with a correct offender score. We accept the concession of error.

Remanded for proceedings consistent with this opinion.

For the court:

Denz, J.
Cox, J.

Schiveller, J