

FILED
COURT OF APPEALS
DIVISION II

2015 MAY 27 AM 9: 33

STATE OF WASHINGTON

BY
DEPUTY

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

STATE OF WASHINGTON,

Respondent,

v.

THOMAS A. CLARK,

Appellant.

STATE OF WASHINGTON,

Respondent,

v.

THOMAS A. CLARK,

Appellant.

No. 45916-7-II

(consolidated with No. 45946-9-II)

UNPUBLISHED OPINION

No. 45946-9-II

WORSWICK, J. — In this consolidated appeal, Thomas Clark appeals from his convictions for unlawful possession of a controlled substance—methamphetamine (cause number 13-1-02502-9) and for attempted first degree animal cruelty (cause number 13-1-02503-7), seeking correction of scrivener's errors in the judgements and sentences. He argues that his judgment and sentence for unlawful possession of a controlled substance—methamphetamine is erroneous because it states that the judgment and sentence followed from a guilty plea, when in fact it

followed a bench trial. And he argues that his judgment and sentence for attempted first degree animal cruelty is erroneous in three respects. First, it states that the judgment and sentence followed from a guilty plea, when in fact it followed a bench trial. Second, it contains the following term, which states that the sentence was suspended when it was not:

Said sentence shall be (suspended) on the attached conditions of (suspended) sentence and that the Defendant pay the prescribed crime victim compensation penalty assessment as per RCW 7.68.035 in the amount of \$500.00.

Clerk's Papers (CP) 36. Third, it attaches a document entitled "Conditions on Suspended Sentence," when as noted above, the sentence was not suspended. CP at 38.

The State concedes these errors. We accept the concession and remand the judgments and sentences to make the correction noted above.

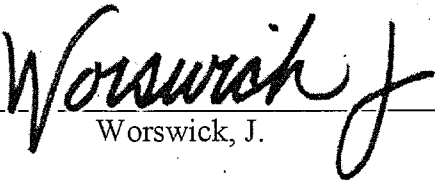
Clark was convicted of unlawful possession of a controlled substance and attempted animal cruelty after a bench trial. On the unlawful possession of a controlled substance—methamphetamine conviction, the trial court sentenced Clark to six months incarceration, with credit for time served. On the attempted animal cruelty conviction, the trial court sentenced Clark to 364 days in jail, with credit for time served. The trial court suspended no jail time for Clark. Accounting for time served, Clark was to serve an additional two weeks in jail after the sentencing hearing.

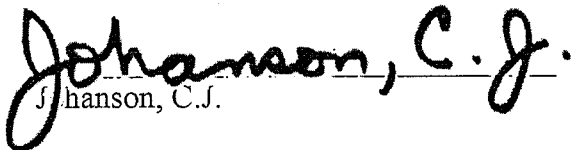
As described above, the judgment and sentences for Clark's two convictions erroneously describe the procedure leading to both convictions, and erroneously describe the sentence for the attempted animal cruelty conviction. The State correctly concedes these errors. Consequently, we remand this case to the trial court to correct the judgement and sentences to reflect that both

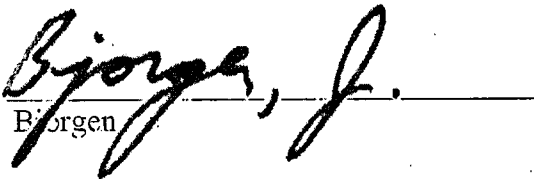
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convictions resulted from a bench trial, and to reflect the correct sentence for his attempted first degree animal cruelty conviction.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.


Worswick, J.


Johanson, C.J.


Bjorge, J.