

December 5, 2017

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

In the Matter of the  
Personal Restraint Petition of  
  
TIMOTHY ELISHA WILDER

No. 50605-0-II

UNPUBLISHED OPINION

WORSWICK, J. — Timothy Wilder seeks relief from personal restraint resulting from his 2017 plea of guilty to unlawful possession of methamphetamine. He argues that the trial court miscalculated his offender score as 11 when it should have been 9. The State concedes that Wilder’s offender score was miscalculated and asks that we remand his judgment and sentence for correction. We accept the State’s concession and remand for correction of the judgment and sentence. We do not remand for resentencing because the change of the offender score from 11 to 9 does not affect Wilder’s standard sentence range; therefore, the trial court did not exceed its statutory sentencing authority. *See* RCW 9.94A.517(1), .525; *In re Pers. Restraint of Toledo-Sotelo*, 176 Wn.2d 759, 767-69, 297 P.3d 51 (2013). Moreover, Wilder does not argue, and the record does not show, that the trial court would have sentenced Wilder to a lesser term. *See State v. Kilgore*, 167 Wn.2d 28, 42, 216 P.3d 393 (2009); *In re Pers. Restraint of Johnson*, 131 Wn.2d

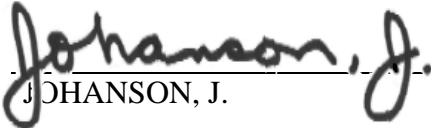
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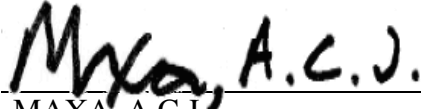
558, 568-69, 933 P.2d 1019 (1997). We deny Wilder's request for statutory attorney fees under RAP 14.4 as he is a self-represented litigant and incurred no attorney fees.

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.

  
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WORSWICK, J

We concur:

  
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JOHANSON, J.

  
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MAXA, A.C.J.