

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

RICHARD E. YORK,

Appellant.

No. 40227-1-II

UNPUBLISHED OPINION

Worswick, A.C.J. — Richard E. York appeals the condition of his term of community custody that orders that he “shall not purchase, possess, or view any pornographic materials.” Clerk’s Papers at 18. He argues that it is unconstitutionally vague because it lacks an ascertainable standard for enforcement. *State v. Bahl*, 164 Wn.2d 739, 758, 193 P.3d 678 (2008). The State concedes. We accept the State’s concession and remand York’s judgment and sentence for resentencing.¹

Remand.

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 pursuant to RCW 2.06.040, it is so ordered.

Worswick, A.C.J.

We concur:

Armstrong, J.

¹ A commissioner of this court initially considered York’s appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

Van Deren, J.