

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

STATE OF WASHINGTON)	No. 79129-0-I
)	
Respondent,)	
)	
v.)	
)	
STEPHEN BARNET PANKEY,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: DEC 16 2019
)	

PER CURIAM — Stephen Pankey appeals the judgment and sentence entered following his convictions for first degree unlawful possession of a firearm and second degree malicious mischief. He contends, and the State concedes, that the malicious mischief conviction is not supported by sufficient evidence, and that the DNA fee was improperly imposed under RCW 43.43.7541 and State v. Ramirez, 191 Wn.2d 732, 426 P.3d 714 (2018) because he previously gave a DNA sample that is on file with the Washington State Patrol crime lab. We accept the concessions of error, vacate the conviction for malicious mischief, and remand for resentencing without a DNA fee.

FOR THE COURT:






