

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

In the Matter of the Detention of CURTIS GENE BROGI.)	
)	No. 62451-2-I
)	
STATE OF WASHINGTON,)	
)	
Respondent,)	
)	
v.)	UNPUBLISHED OPINION
)	
CURTIS GENE BROGI,)	FILED: December 20, 2010
)	
Appellant.)	
_____)	

Per Curiam — We granted discretionary review of the trial court’s September 10, 2008 order denying Curtis Brogi’s request for a full hearing to determine whether he currently meets the conditions of confinement as a sexually violent predator. In denying Brogi’s request, the trial court relied on the criteria set forth in the 2005 amendments to RCW 71.09.090(4).

In In re Detention of McCuiston, 169 Wn.2d 633, 238 P.3d 1147, 1151 (2010), our supreme court held that the 2005 amendments are unconstitutional because they “undermine meaningful annual review of SVP status consistent with minimum standards of substantive due process[.]” In light of McCuiston, we accept the State’s concession that Brogi is entitled to a new show cause hearing. We

No. 62451-2-1/2

therefore reverse

No. 62451-2-1/3

the trial court's order and remand for a new show cause hearing under the pre-2005 show cause standard. See McCuiston, 238 P.3d at 1153.

Reversed and remanded.

FOR THE COURT:

Becker, J.

Grosse, J.

Edenfor, J.