

THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

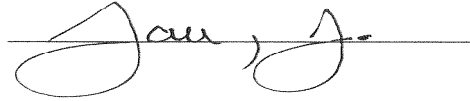
STATE OF WASHINGTON,)	
)	No. 64386-0-1
)	
Respondent,)	
)	
v.)	
)	
EMORY LEE BERUBE,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: September 27, 2010
)	

Per Curiam. Respondent, the State of Washington, filed a motion asking this court to remand this case back to the trial court in order to allow the State to present facts sufficient to support tolling of the statutory period pursuant to State v. Walker, 153 Wn. App. 701, 224 P.3d 814 (2009). A commissioner of this court referred the motion to a panel for consideration. We agree with respondent that, under Walker, the appropriate resolution of this appeal is to remand this case to the trial court to hold a fact finding hearing to make a factual determination regarding tolling of the statutory period under RCW 9A.04.080(2).

Remanded for further proceedings.

FOR THE COURT:

No. 63939-1-1/2

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