

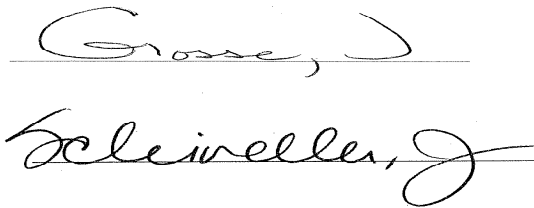
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	No. 64762-8-1
	)	
Respondent,	)	DIVISION ONE
	)	
v.	)	
	)	
WILLIAM QUINN,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: June 28, 2010
	)	

PER CURIAM. William Quinn appeals the sentence imposed following his convictions for two counts of communicating with a minor for immoral purposes. He contends, and the State concedes, that the court lacked authority to impose a term of probation on Count 1 because it imposed the maximum sentence and did not actually suspend any jail time on that count. State v. Gailus, 136 Wn. App. 191, 201, 147 P.3d 1300 (2006), overruled on other grounds by State v. Sutherby, 165 Wn.2d 870, 204 P.3d 916 (2009) (“The imposition of probation is not authorized when the maximum jail sentence is imposed on an offender.”). We accept the concession of error and remand solely for vacation of the probation term on count 1.

Remanded for amendment of the judgment and sentence.

For The Court:



The image shows two handwritten signatures in cursive script. The first signature is written over a horizontal line and appears to be 'Grosse, J'. The second signature is written below the first and appears to be 'Schweitzer, J'.

Leach, A.C. J.