

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

In the Matter of the Personal	)	No. 64889-6-I
Restraint of:	)	
	)	
	)	
	)	
EDWARD JOSEPH FORNSBY,	)	UNPUBLISHED OPINION
	)	
Petitioner.	)	FILED: September 27, 2010
	)	

Per Curiam — Edward Fornsby pleaded guilty to one count of vehicular homicide and one count of vehicular assault in Skagit County No. 07-1-00504-7. Fornsby was correctly advised of the standard ranges for his offenses, and the trial court imposed the agreed recommended sentence. But section 4.5(b) of Fornsby’s judgment and sentence also purported to impose minimum terms (but not maximum terms) under the indeterminate sentencing provisions of former RCW 9.94A.712. Fornsby filed this personal restraint petition alleging that the sentencing provisions under former RCW 9.94A.712 were invalid.

After reviewing the record, the State has conceded that the imposition of minimum terms under RCW 9.94A.712 was improper because Fornsby’s offenses did not qualify as sex offenses. Because the record clearly reflects the sentencing court’s intent to impose an otherwise lawful sentence, we accept the State’s concession and

remand the matter back to Skagit County Superior Court to correct the obvious clerical error on the face of the judgment and sentence. See CrR 7.8(a).<sup>1</sup>

We accept the State’s concession of error, grant Fornsby’s petition, and remand the matter to the Skagit County Superior Court to correct the clerical error in Fornsby’s judgment and sentence.

FOR THE COURT:

A handwritten signature in cursive script, appearing to read 'E. E. ...', written over a horizontal line.

A handwritten signature in cursive script, appearing to read 'Schneider, J.', written over a horizontal line.

A handwritten signature in cursive script, appearing to read 'Jain, J.', written over a horizontal line.

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<sup>1</sup> Fornsby requests that he be permitted to withdraw his guilty plea and “plead anew.” But he has not provided any legal reasoning or evidence to support this bare request. Accordingly, this court will not consider it. See In re Pers. Restraint of Webster, 74 Wn. App. 832, 833, 875 P.2d 1244 (1994) (“Bare assertions and conclusory allegations are not sufficient to command judicial consideration and discussion in a personal restraint proceeding”).