

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

STATE OF WASHINGTON,)	
)	No. 65166-8-I
Respondent,)	
)	
v.)	
)	
DARYL S. HART,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: December 20, 2010
_____)	

Per Curiam — Daryl Hart pleaded guilty in January 2010 to a first degree murder committed in August 1984. At sentencing, the court calculated Hart’s offender score on the basis of a 1981 second degree robbery conviction. The court also imposed a term of community placement.

We accept the State’s concession that the 1981 robbery conviction washed out and should not have been included in Hart’s offender score and that Hart’s conviction for the 1984 murder was not subject to community placement. Accordingly, we reverse Hart’s sentence and remand for resentencing based on an

No. 65166-8-1/2

offender score of 0 and without a term of community placement.

Reversed and remanded.

FOR THE COURT:

Becker, J.

Grosse, J.

Edmonton, J.