

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

IN THE MATTER OF THE) No. 65388-1-I
PERSONAL RESTRAINT OF:)
JAVIER PLANCARTE-HARRISON,) DIVISION ONE
) UNPUBLISHED OPINION
Petitioner.)
) FILED: August 16, 2010

PER CURIAM. Javier Plancarte-Harrison files this personal restraint petition claiming that he entered a guilty plea involuntarily in King County Superior Court No. 08-1-09551-3 KNT. In particular, Plancarte-Harrison claims that he was misinformed of the standard range applicable to his convictions for four counts of first degree incest. He has attached a copy of his plea statement indicating the standard range for each count as 77 to 96 months confinement. At sentencing the trial court imposed 102 months confinement based on a standard range of 77 to 102 months. Plancarte-Harrison requests specific enforcement of the plea agreement and remand to the trial court for resentencing within the range of 77 to 96 months.

The King County Prosecutor has conceded that Plancarte-Harrison was misadvised of the standard range of confinement, a direct consequence of his plea, such that his plea was involuntary under State v. Mendoza, 157 Wn.2d 582, 584–85, 141 P.3d 49 (2006) and In re Pers. Restraint of Isadore, 151 Wn.2d 294, 298–300, 88 P.3d 390 (2004). The State agrees that Plancarte-Harrison is entitled to the relief he requests under In re Pers. Restraint of

No. 65388-1-I / 2

Murillo, 134 Wn. App. 521, 533, 142 P.3d 615, 621 (2006).

We accept the concession. Accordingly, Plancarte-Harrison's sentence is vacated and the case is remanded to the trial court for resentencing with a standard range of 77 to 96 months.

For the court:

Leach, A.C.J.

Schieweller, J.

Dupre, C.J.