IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. IMRAN VAHORA, aka IMRANBHAI GULAMNABI VAHORA, Appellant.	)	No. 65848-4-I DIVISION ONE UNPUBLISHED OPINION FILED: July 18, 2011

PER CURIAM. Imran Vahora appeals his convictions for rape, robbery, sexual abuse of a minor, and second degree assault with sexual motivation. His appellate counsel contends that a dismissed count of assault with sexual motivation was mistakenly left on the Judgment and Sentence and must be removed. Although the court did not impose sentence on that count, the State concedes that any reference to it must be removed from the Judgment and Sentence. We accept the concession. See State v. Turner, 169 wn.2d 448, 464, 238 P.3d 461 (2010) ("To assure that double jeopardy proscriptions are carefully observed, a judgment and sentence must not include any reference to the vacated conviction.").

Vahora raises several additional claims in a pro se statement of additional grounds for review (SAG). He first contends his trial counsel was ineffective in investigating the assault counts referenced above. He contends this omission "put at risk the defendant's right to an ample opportunity to meet prosecution" and resulted in him being "found guilty of Double Jeopardy charges." SAG at 2.

But as explained above, Vahora was not subjected to double jeopardy because he was only sentenced for one of the assault convictions and the reference to the other conviction will be removed from the Judgment and Sentence on remand. To the extent Vahora is challenging some other aspect of defense counsel's handling of these counts, he fails to "inform the court of the nature and occurrence of [the] alleged errors." RAP 10.10(c).

Vahora next contends his counsel was ineffective for failing to ask Christina Palermo any questions on cross-examination. He claims counsel "failed to pursue an impeaching cross-examination or present [a]ddition[al] evidence that would in all reasonable probability cast a reasonable doubt on the testimony of the state's witness." SAG at 5-6. He fails, however, to point to any evidence counsel could have used for this purpose.

Next, Vahora challenges the voluntariness of his jury waiver, claiming he made the decision to waive his right because of financial pressure. He also accuses the state of discovery violations. These claims involve matters outside the record and are therefore not properly before us. State v. McFarland, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995).

Finally, Vahora challenges the sufficiency of the evidence supporting his conviction for the first degree robbery of E.W. The amended information alleged in part that Vahora, with intent to commit theft, took currency from E.W. against her will by the use or threatened use of immediate force, violence and fear of

injury while armed with a deadly weapon. The court found that Vahora made E.W. remove her clothes at knifepoint, forced her to perform sex acts, and then, after she fled unclothed, "sped away with all of [her] belongings, including $100 to $200 cash." The court also found that Vahora admitted using the knife on E.W. and "taking her cash." These findings support the court's conclusion that Vahora committed first degree robbery as charged. To the extent Vahora challenges the findings of fact, he fails to provide a sufficient record for review. State v. Garcia, 45 Wn.App. 132, 140, 7243 P.2d 412 (1986) (appellant has burden of providing sufficient record to review issues raised on appeal). Specifically, he has not made trial exhibits containing his statements to Detective Jeanne Schneider a part of the record on appeal.[1] This omission precludes review of any challenge to the sufficiency of the evidence supporting the findings.

Affirmed in part and remanded in part.

For the court:

[1] We note that the record indicates the exhibits contained admissions that Vahora took E.W.'s currency, spent some of it, and threw away her clothes.