

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	No. 66008-0-I
	)	
v.	)	DIVISION ONE
	)	
MUSTAFA MOHAMUD ARTEH,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: September 24, 2012

PER CURIAM. Mustafa Arteh appeals the sentence imposed following his convictions for second degree robbery and second degree possession of stolen property. He contends, and the State concedes, that the court erred in imposing a mental health evaluation and treatment as conditions of community custody. A trial court may order a mental health evaluation and recommended treatment as a condition of community custody only if “the court finds, based on a presentence report and any applicable mental status evaluations, that the offender suffers from a mental illness which influenced the crime.” State v. Jones, 118 Wn. App. 199, 202, 76 P.3d 258 (2003); RCW 9.94B.080. The State concedes “there was no presentence report for the trial court to consider and the court did not make the requisite findings.” We accept the concession and remand with directions to strike the mental health evaluation/treatment condition unless the court “determines that it can presently and lawfully comply” with RCW 9.94.B.080. Jones, 118 Wn. App. at 212.

Arteh also contends, and the State again concedes, that the court’s imposition of a ten-year no contact order exceeds the five-year statutory maximum for his

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possession of stolen property conviction. See RCW 9A.56.160(2); RCW 9A.20.021(1)(c). We accept the concession and remand for the court to reduce the length of the no-contact condition to five years.

Remanded for proceedings consistent with this opinion.

For the court:

Cox, J.

Everton, J.

Appelwick, J.