

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

STATE OF WASHINGTON,	)	
	)	No. 66048-9-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	UNPUBLISHED OPINION
PHILLIP JOHN PARKHURST,	)	
	)	
Appellant.	)	FILED: October 10, 2011

PER CURIAM. Phillip Parkhurst appeals the sentence imposed following his conviction for first degree criminal trespass, arguing that the judgment and sentence fails to impose a definite term of probation. The State, on the other hand, contends the court did not impose probation at all because it crossed out a paragraph in the judgment and sentence describing probation supervision and providing a space for the length of the probationary term. We agree with Parkhurst.

The court suspended the sentence in this case “pursuant to RCW 9.95.200 and 9.95.210.” Those statutes authorize a court to suspend a sentence “[i]n granting probation [.]” Thus, by citing these statutes and suspending Parkhurst’s sentence on certain conditions, the court imposed probation. Although it is unclear why the court crossed out the paragraph relating to probation supervision,<sup>1</sup> it does not change the fact that Parkhurst is on probation. Because probation may be imposed for a term “not exceeding the


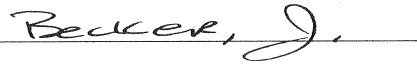
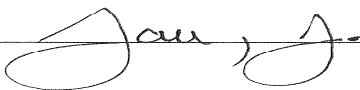
---

<sup>1</sup> At sentencing, the prosecutor indicated that “this is not going to be a supervised probation case[.]” Thus, it appears that the probation supervision paragraph may have been crossed out simply to indicate that Parkhurst would not be actively supervised.

maximum term of sentence or two years, whichever is longer,” RCW 9.95.210, and because the court failed to indicate the length of probation,<sup>2</sup> we remand for imposition of a definite term of probation and clarification of the court’s intent in crossing out paragraph (2) of the judgment and sentence. See State v. Broadaway, 133 Wn.2d 118, 136, 942 P.2d 363 (1997) (where sentence was insufficiently specific as to period of community placement, remand was required for amendment of the judgment and sentence).

Remanded for proceedings consistent with this opinion.

For the Court:

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

---

<sup>2</sup> We note that in its oral ruling, the court clearly imposed a term of 12 months probation, stating: “As far as the length of probation, I think 12 months is sufficient rather than the request for the 24.”