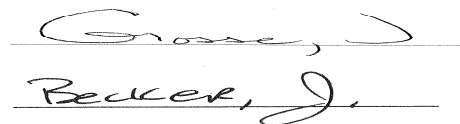


IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	
)	No. 66356-9-I
Respondent,)	
)	
v.)	
)	UNPUBLISHED OPINION
PHILLIP RUDY GARCIA,)	
)	FILED: October 3, 2011
Appellant.)	
)	

Per Curiam. Phillip Garcia appeals the sentence imposed following his conviction for second degree assault. He contends, and the State concedes, that the community custody condition requiring him to obtain a substance abuse evaluation and any recommended treatment was not supported by the evidence and must be stricken. See RCW 9.94.607(1)(court may order evaluation etc. if it finds “the offender has a chemical dependency that has contributed to his or her offense”) ; State v. Jones, 118 Wn.App. 199, 208, 76 P.3d 258 (2003)(if evidence shows that alcohol contributed to the offense, an alcohol evaluation and treatment may be ordered). We accept the concession and remand with directions to strike the challenged condition from Garcia’s judgment and sentence.

FOR THE COURT:



Becker, J.

Sam J.