


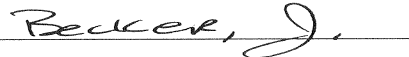
**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

STATE OF WASHINGTON,	)	
	)	No. 66437-9-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	UNPUBLISHED OPINION
JAMES STUDEBAKER,	)	
	)	
Appellant.	)	FILED: October 3, 2011

Per Curiam. James Studebaker appeals his convictions for two counts of bail jumping and his sentence for rape of a child in the third degree. He contends, and the State concedes, that the instructions required the jury to find that he knew of the requirement to subsequently appear “at the time he was released or admitted to bail,” and that there was insufficient evidence to support such a finding. He also contends, and the State again concedes, that the court was not authorized to impose a community custody term of 36 to 48 months and that the term must be reduced to 36 months. RCW 9.94A.701(1).

We accept the concessions, reverse the bail jumping convictions, and remand with directions to dismiss the convictions with prejudice and to reduce the term of community custody to 36 months.

For the court:

James J.