

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
 Respondent,) No. 67058-1-I
) DIVISION ONE
 v.) UNPUBLISHED OPINION
)
 ELIJA ALLEN DOSS,)
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 Appellant.) FILED: June 25, 2012
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Per Curiam — Elija Doss appeals from the judgment and sentence entered after he pleaded guilty to three counts of felony violation of a court order. We affirm Doss’s convictions, but remand to permit the trial court to correct Doss’s sentence.

In his statement of additional grounds for review, Doss alleges that inappropriately prescribed medication, coupled with various acts of prosecutorial misconduct and ineffective assistance, rendered his guilty plea involuntary. But because these allegations rest primarily on matters outside the record, we cannot address them on direct appeal. See State v. McFarland, 127 Wn.2d 322, 338 n. 5, 899 P.2d 1251 (1995).

The trial court sentenced Doss to 60-month concurrent terms of confinement. The court also imposed a community custody term of 12 months as required by

RCW 9.94A.701(3)(a). The State correctly concedes that because felony violation of a court order is a class C felony, Doss's term of confinement plus community custody exceeded the five-year statutory maximum for the offense. See RCW 26.50.110(5); 9A.021(1)(c). In such circumstances, RCW 9.94A.701(9) requires the sentencing court to reduce the term of community custody.¹

The State suggests that a notation on the judgment and sentence clarifying that the total amount of incarceration and community custody may not exceed the statutory maximum term is sufficient to rectify the error. See In re Pers. Restraint of Brooks, 166 Wn.2d 664, 674, 211 P.3d 1023 (2009). But our Supreme Court has recently rejected an identical suggestion, concluding that under RCW 9.94A.701(9), the trial court -- not the Department of Corrections -- is required to reduce the term of community custody to avoid a sentence in excess of the statutory maximum. State v. Boyd, ___ Wn.2d ___, 275 P.3d 321, 322 (2012).

Accordingly, we affirm Doss's convictions. We remand to the trial court either to amend the community custody term or resentence Doss consistent with RCW 9.94A.701(9). See Boyd, 275 P.3d at 323.

Remanded.

For the Court

¹ Under RCW 9.94A.701(9), which became effective on July 26, 2009, the term of community custody "shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime."

Deng, J.

Appelwick, J.

Jan, J.