

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 67765-9-I consolidated
Respondent,	)	with No. 67766-7-I
	)	
v.	)	DIVISION ONE
	)	
MARTIN AMADEUS EGAN-RUSSERT	)	UNPUBLISHED OPINION
AKA MARTIN A. RUSSERT,	)	
	)	
Appellant.	)	FILED: <u>September 4, 2012</u>

Per Curiam. Martin Egan-Russert appeals from the judgment and sentence entered after he pleaded guilty, under two separate cause numbers, to felony telephone harassment – domestic violence, fourth degree assault – domestic violence with sexual motivation, second degree attempted escape, and third degree malicious mischief.

The State of Washington concedes that the trial court lacked authority to require Egan-Russert to undergo a sexual deviancy evaluation as a community custody condition for the felony telephone harassment charge. Because there was no evidence that this condition was crime-related, we accept the State’s concession. See RCW 9.94A.703(3)(c); RCW 9.94A.505(8); State v. Jones, 118 Wn. App. 199, 207, 76 P.3d 258 (2003). Accordingly, we remand the matter to the trial court to strike the unauthorized condition. On remand, the State may raise its contention that the trial court in this case inadvertently imposed the sexual deviancy evaluation condition for the telephone harassment charge but had intended to impose it for the assault charge.

See Jones, 118 Wn. App. at 212.

Egan-Russert has filed a statement of additional grounds for review challenging his convictions. See RAP 10.10. He appears to allege that his guilty pleas were not voluntary and that he was denied effective assistance of counsel. But Egan-Russert's allegations are too conclusory to permit appellate review. See RAP 10.10(c) (appellate court will not consider statement of additional grounds for review unless it informs the court of the nature and occurrence of alleged errors). Moreover, because his claims appear to rest primarily on matters that are outside the appellate record, they could not, in any event, be considered in a direct appeal. See State v. McFarland, 127 Wn.2d 322, 337–38, 899 P.2d 1251 (1995).

Egan-Russert's convictions are affirmed. We remand the matter to the trial court to strike the unauthorized community custody condition and for further proceedings consistent with this opinion.

For the court:

Cox, J.

Elliott, J.

Appelwick, J.