

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

In the Matter of the Personal Restraint)
of) No. 68964-9-1
)
DEREK JAMES FERGUSON,) UNPUBLISHED OPINION
)
Petitioner.) FILED: December 24, 2012
_____)

Per Curiam — In a motion transferred to us for treatment as a personal restraint petition, Derek Ferguson challenges the sentence imposed following his guilty pleas to first and second degree child molestation. He argues, and the State concedes, that his sentence is invalid on its face because it is based on a statute that does not apply to offenders who were seventeen or younger at the time of their offenses. See former RCW 9.94A.712. We accept the State’s concession. Because Ferguson was 17 or younger during the entire charging period for both convictions, his sentence is invalid on its face, the one-year statutory time bar does not apply, and the matter must be remanded for resentencing.

Remanded for resentencing.

FOR THE COURT:

Becker, J.
Cox, J.

68964-9-1/2

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