

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

STATE OF WASHINGTON,

Appellant/Cross-Respondent,

v.

a.s.h.,

Respondent/Cross-Appellant.

No. 41814-2-II

**ORDER CORRECTING CAPTION
AND AMENDING OPINION**

The unpublished opinion for this appeal was filed on August 23, 2011. Due to an inadvertent error, the parties were incorrectly designated in the caption of the opinion. The caption of this court's opinion is corrected in this case to reflect that the Respondent/Cross-Appellant is A.S.H., and the Appellant/Cross-Respondent is the State of Washington.

Additionally, the verbiage in the first paragraph of the opinion is amended to correct the error in the parties designations. The following verbiage from lines 7 and 8 of the first paragraph of the opinion are deleted:

“She appealed from the manifest injustice disposition. The State cross-appealed the order removing the domestic violence designation.”

Lines 7 and 8 of the first paragraph are amended to read as follows:

**The State appealed the order removing the domestic violence designation.
A.S.H. cross-appealed the manifest injustice designation.**

We also amend the language on the second page, first paragraph to correct a procedural reference. The following language from the first paragraph is deleted:

“Accordingly, we dismiss A.S.H.’s appeal”

We amend the first paragraph on the second page to read:

“Accordingly, we dismiss this appeal without any award of costs and we remand to the juvenile court to restore the domestic violence designation as to A.S.H.’s order of adjudication.”

IT IS SO ORDERED.

DATED this _____ day of _____, 2011.

Worswick, J.

We concur:

Van Deren, J.

Penoyar, C.J.

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UNPUBLISHED OPINION

Worswick, J. — The State charged A.S.H.¹ with second degree theft of an access device with domestic violence for taking a debit card belonging to her legal mother. RCW 9A.56.040(1)(c), RCW 9A.56.020(1)(a), RCW 10.99.020(3). She moved to remove the domestic violence designation. The juvenile court granted her motion. She then pleaded guilty to second degree theft of an access device. The juvenile court imposed a manifest injustice disposition and committed A.S.H. to 30 to 40 weeks with the Juvenile Rehabilitation Administration. She appealed from the manifest injustice disposition. The State cross-appealed the order removing the domestic violence designation.

The State and A.S.H. have reached an agreement in which: (1) A.S.H. withdraws her

¹ Under RAP 3.4, this court changes the title of the case to the juvenile’s initials to protect her privacy interests.

appeal of the manifest injustice disposition; (2) A.S.H. concedes that the juvenile court erred in removing the domestic violence designation; and (3) the State waives any award of costs on appeal. We accept A.S.H.’s concession.² Under RCW 10.99.020(5), because she committed her second degree theft against a “family or household member,” it was properly designated a “domestic violence” crime even though second degree theft is not among the non-exclusive list of crimes contained in that subsection.

Accordingly, we dismiss A.S.H.’s appeal without any award of costs and we remand to the juvenile court to restore the domestic violence designation to her order of adjudication.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

Worswick, J.

We concur:

Van Deren, J.

Penoyar, C.J.

² A commissioner of this court initially considered A.S.H.’s appeal on an accelerated basis under RAP 18.13 and then transferred it to a panel of judges.