

**FILED**  
**SEPTEMBER 22, 2022**  
In the Office of the Clerk of Court  
WA State Court of Appeals, Division III

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


STATE OF WASHINGTON,	)	No. 38371-7-III
	)	
Respondent,	)	
	)	
v.	)	ORDER WITHDRAWING
	)	OPINION AND SETTING
	)	BRIEFING SCHEDULE
JENNIFER L. WEMHOFF,	)	
	)	
Appellant.	)	

THE COURT on its own motion finds that the opinion filed September 20, 2022, should be withdrawn,

THEREFORE, IT IS ORDERED that the opinion filed September 20, 2022, is hereby withdrawn.

IT IS FURTHER ORDERED that each party will file a supplemental brief of no more than five pages and file those briefs on or before October 13, 2022, addressing the following issue:

Given that House Bill 1818 amended the community custody statute and is effective July 1, 2022, should we follow the retroactivity analysis in *State v. Gamber*, No. 55819-0-II, slip op. at 4 (Wash. Ct. App. Aug. 23, 2022), or does that analysis conflict with *State v. Ramirez*, 191 Wn.2d 732, 747-50, 426 P.3d 714 (2018).

  
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LAWRENCE-BERREY, A.C.J.