IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	**No. 25740-1-III**
	)	**(consolidated with**
Respondent,	)	**No. 27524-8-III)**
	)	
v.	)	
	)	
JOEL R. RAMOS,	)	
	)	**Division Three**
Appellant.	)	
	)	
In re Personal Restraint Petition of:	)	
	)	
JOEL RAMOS,	)	
	)	
Petitioner.	)	**UNPUBLISHED OPINION**

Korsmo, J. — This matter comes before us on remand from the Washington Supreme Court to consider an issue presented in the *pro se* statement of additional grounds. We previously affirmed the convictions and now remand for the trial court to enter an order clarifying the term of community placement.

FACTS

Mr. Ramos was convicted in Yakima County Superior Court of four counts of first degree murder for his participation, as a young teenager, in the brutal slayings of Michael and Lynn Skelton and their young sons, Jason and Bryan. Mr. Ramos received permission to file a belated appeal and counsel appeared on his behalf. Proceeding *pro se*, he also filed a personal restraint petition (PRP). The two matters were consolidated.

Mr. Ramos also filed a *pro se* statement of additional grounds in the appeal. This court affirmed the convictions and dismissed the PRP. *State v. Ramos*, 152 Wn. App. 684, 217 P.3d 384 (2009). In the course of the opinion, we noted that we had considered and rejected the issues presented in the statement of additional grounds. *Id.* at 696 n.13.

Counsel filed a petition for review with the Washington State Supreme Court. That court denied review on all issues except a claim raised in the statement of additional grounds. That issue was remanded to this court for consideration in light of *State v. Broadaway*.[1] *See* Order noted at 168 Wn.2d 1025, 230 P.3d 576 (2010). We have now reconsidered that *pro se* claim.

ANALYSIS

The judgment and sentence in this case includes the following provision:

[1] 133 Wn.2d 118, 942 P.2d 363 (1997).

"Defendant shall comply with all the mandatory provisions of RCW 9.94A.120(8b) and as many of those in RCW 9.94A.120(8c) as deemed appropriate by his/her Community Corrections Officer." Clerk's Papers 8. At the time of sentencing, the noted provisions of the Sentencing Reform Act of 1981 (SRA) governed community custody and community placement for offenders released from prison. *See* Laws of 1990, ch. 3, § 705. Specifically, subsection 120(8)(b) required a court to "sentence the offender to community placement for two years or up to the period of earned early release . . . whichever is longer." *Id.* Subsection 120(8)(c) set various "special conditions" of community placement that could be imposed. *Id.*

In *Broadaway*, the trial court had imposed a sentence of community placement "for the period of time provided by law" and also imposed the "standard mandatory conditions." 133 Wn.2d at 122. The trial court orally informed the defendant that the term of community placement would be two years. *Id*. The Washington Supreme Court reversed the community placement provision because the statute required a mandatory one-year period of community placement. *Id.* at 135. The court concluded that the trial judge had an obligation to expressly state the term of community placement in the judgment and sentence. *Id.*

The community placement term in this judgment and sentence suffers from similar

defects as those in *Broadaway*. It does not state with specificity the term of community placement. Instead, it refers Mr. Ramos to the (now former) statute for information. As in *Broadaway*, we conclude that the lack of specificity requires further action by the trial court.

"Where a sentence is insufficiently specific about the period of community placement required by law, remand for amendment of the judgment and sentence to expressly provide for the correct period of community placement is the proper course." *Broadaway*, 133 Wn.2d at 136; *accord State v. Sloan*, 121 Wn. App. 220, 224, 87 P.3d 1214 (2004). Where the trial court erred in setting the term of community placement, resentencing is required because a correct understanding of the community placement might affect the court's sentence of incarceration. *Broadaway*, 133 Wn.2d at 136. However, when the term is merely insufficiently specific, remand for clarification is all that is required. *Sloan*, 121 Wn. App. at 224; *State v. Nelson*, 100 Wn. App. 226, 231-232, 996 P.2d 651 (2000). The clarification should include both the length of the community placement and the "special terms" of the placement. *Id.*

In accordance with our earlier opinion, the convictions and sentence are affirmed. We remand the case for the trial court to enter an order clarifying or amending the judgment and sentence to specifically state the term of community placement consistent

with *Broadaway* and its progeny.

Affirmed and Remanded.

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

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Korsmo, J.

WE CONCUR:

_____
Kulik, C.J.

_____
Brown, J.