

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

| | | |
|----------------------|---|--------------------------|
| STATE OF WASHINGTON, |) | |
| |) | No. 62777-5-I |
| Respondent, |) | |
| |) | |
| v. |) | DIVISION ONE |
| |) | |
| VINH HOANG PHAM, |) | UNPUBLISHED OPINION |
| |) | |
| Appellant. |) | FILED: December 21, 2009 |

PER CURIAM. Vinh Pham appeals the sentence imposed following his convictions for criminal trespass, assault, and malicious mischief. He contends a community custody condition requiring him to obtain a mental health evaluation is not supported by statutorily required findings and must be stricken. The State concedes that findings were required to impose the condition as part of Pham’s felony sentence on the assault count, and that the condition must be stricken from that sentence. The State argues, however, and Pham does not dispute, that the same condition was properly imposed as a condition of Pham’s probation on his misdemeanor trespass sentence. Accordingly, we remand with directions to strike the mental health evaluation only from the community custody conditions imposed as part of Pham’s felony sentence for third degree assault.

For the court:

Dwyer, A.C.J.
Becker, J.

No. 53655-9-1/2

Cox, J.