



[U]State v. Miller

2002 | Cited 0 times | Court of Appeals of Washington | September 23, 2002

UNPUBLISHED OPINION

Holton Miller appeals from the sentence imposed after he pleaded guilty to two counts of domestic violence felony violation of a court order. He contends that the sentencing court erroneously calculated his offender score. We accept the State's concession of error and remand for resentencing.

At sentencing, the court included in Miller's offender score three prior felony convictions that had "washed out" prior to 1995 under the former version of RCW 9.94A.525. Although 1995 amendments changed the "washout" provisions, such amendments do not apply to the scoring of offenses committed before the effective date of the amendment. See *State v. Smith*, 144 Wn.2d 665, 30 P.3d 1245 (2001). Accordingly, the sentencing court erred in including the three convictions in Miller's offender score. The sentence is therefore reversed and the matter remanded for resentencing.

Reversed.

