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Court of Appeals Division I
State of Washington

Opinion Information Sheet

Docket Number: 61518-1

Title of Case: State Of Washington, Respondent V. Roger James Collins, Appellant

File Date: 12/29/2008

SOURCE OF APPEAL

Appeal from King County Superior Court

Docket No: 07-1-00374-2

Judgment or order under review

Date filed: 03/27/2008

Judge signing: Honorable Paris K Kallas

JUDGES

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 61518-1-I
Respondent,)	
)	DIVISION ONE
v.)	
)	
ROGER JAMES COLLINS,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: December 29, 2008
)	

Per Curiam. Roger Collins appeals from the sentence imposed after he pleaded guilty to one count of failure to register as a sex offender. We decline to consider the contentions raised in Collins' statement of additional grounds for review. But we agree that Collins' sentence must be reversed and the matter remanded for resentencing.

Collins contends that the sentencing court exceeded its statutory authority and violated the separation of powers doctrine by imposing a combined period of total confinement and community custody that exceeded the statutory maximum. The State maintains that the sentence is valid because the court expressly specified on the judgment and sentence that the combined period of prison time and community custody could not exceed the statutory maximum.

We recently considered essentially identical contentions and concluded that

sentences such as Collins' are "indeterminate in violation of the Sentencing Reform Act" and must therefore be remanded for imposition of a determinate sentence not exceeding the statutory maximum. State v. Linerud, No. 60769-3-I, slip op. at 1 No. 61518-1-I/2

(Wash. Ct. App. December 29, 2008). "It is within the trial court's discretion to determine how much of that sentence is confinement and how much is community custody." Linerud, slip op. at 7. Because Collins' sentence violates the SRA, we need not reach his separation of powers argument. See Linerud, slip op. at 7.

In his statement of additional grounds for review, Collins alleges a double jeopardy violation and various sentencing errors. He also claims that he was coerced into signing a continuance. But Collins has failed to inform this court sufficiently of the nature and occurrence of the alleged errors. Accordingly, we decline to review the allegations. See RAP 10.10(c) (appellate court will not consider statement of additional grounds for review unless it informs the court of the nature and occurrence of alleged errors).

Collins' sentence is reversed and the matter remanded for resentencing in accordance with Linerud.

For the court:

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