IN THE SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

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| STATE OF WASHINGTON,  Plaintiff,  v.    Defendant. | No.  MOTION TO VACATE CONVICTION(S), DISMISS COUNT(S), CORRECT OFFENDER SCORE AND FOR RESENTENCING HEARING |

COMES NOW, the defendant by and through the undersigned attorney, and moves this Court for entry of an order vacating convictions for Possession of a Controlled Substance, dismissing related counts, correcting his/her offender score and scheduling a resentencing hearing. This motion is brought pursuant to CrR 7.8(b) and State v. Blake, Wash. S. Ct. No. 96873-0 (Feb. 25, 2021).

This motion is based on the records and files herein, and upon the legal memorandum attached hereto.

Dated this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

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Attorney for Defendant, WSBA #

**LEGAL MEMORANDUM**

On February 26, 2021, in State v. Blake, the Washington Supreme Court declared that the Legislature exceeded its police powers in enacting RCW 69.50.4013. This opinion invalidates all convictions for violations of RCW 69.50.4013 and its predecessor statutes.

Under CrR 7.8(4) and (5), a defendant may move the court for relief from judgment if “[t]he judgment is void” or for “[a]ny other reason justifying relief from the operation of the judgment.”

In this case, the Defendant requests that the Court enter an order vacating his/her conviction(s) for Possession of a Controlled Substance and dismissing said charge(s). The defendant is also seeking an order correcting his/her offender score (removing the Possession of Controlled Substance convictions from his/her criminal history) and for resentencing on the remaining charge(s) consistent with the recalculated standard sentencing range.

The defendant’s corrected offender score and recalculated standard range appears in the following table:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Count No.** | **Offense** | **Corrected Offender Score** | **Level** | **Corrected Standard Range (not including enhancements)** | **Corrected Total Standard Range** | **Original Sentence** |
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The Judge who originally imposed the sentence in this matter was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Furthermore, the defendant requests that the Court grant the requested relief promptly as the defendant is either currently in the custody of the Department of Corrections (DOC) or subject to Community Custody and is entitled to be released or free from the restrictions of supervision immediately if s/he has served the sentence imposed on his/her remaining felony sentences.

Respectfully submitted this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

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Attorney for Defendant, WSBA #