IN THE SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

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| STATE OF WASHINGTON,  Plaintiff,  v.    Defendant. | No.  (PROPOSED)  ORDER VACATING CONVICTION, DISMISSING COUNT(S), AND CORRECTING OFFENDER SCORE |

THIS MATTER having come on pursuant to the defendant’s Motion to Vacate Conviction, Dismiss Count(s), and Correct Offender Score, and the Court having reviewed the records and files herein and being fully advised, now therefore,

IT IS HEREBY ORDERED that

1. The conviction(s) for Possession of a Controlled Substance in violation of RCW 69.50.4013 or its predecessor statutes is/are vacated.

2. The charge(s) in Counts \_\_\_\_\_\_\_\_\_\_\_\_\_\_ are dismissed.

3. The offender score for the following counts shall be amended as follows:

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| **Count No.** | **Offense** | **Original Offender Score** | **Corrected Offender Score** |
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4. Because the defendant has already served a period of incarceration that exceeds the original sentence imposed in the counts identified in the table above, the Court cannot provide the defendant with relief through resentencing. Therefore, the defendant shall be immediately released and the Clerk’s Office shall provide a copy of this order to the Jail or the Department of Corrections.

7. Any period of Community Custody associated with dismissed count(s) \_\_\_\_\_\_\_\_\_\_ are stricken. The defendant shall serve the terms of Community Custody imposed in the Judgment and Sentence for all other counts. The Clerk’s Office shall promptly transmit a copy of this order to DOC.

8. The Clerk of the Court shall immediately transmit a copy of this order vacating the convictions for counts \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the Washington State Patrol Identification Section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. Upon receipt of this order, the Washington State Patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the Federal Bureau of Investigation. *Cf*. RCW 9.96.060(7).

DATED this ­­\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

Superior Court Judge

PRESENTED BY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Defendant, WSBA #