

1 **SAMPLE ORDER VACATING POSSESSION_ONLY CONVICTION EFFECTIVE TO**
2 **ELIMINATE IMMIGRATION CONSEQUENCES. Note: it is the express reference to Blake’s**
3 **determination of unconstitutionality that is required. This can be used in all such cases – no**
4 **“special” motions or orders are required for noncitizens.**

5 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

6 STATE OF WASHINGTON,)
7)
8 Plaintiff,) No. _____ SEA
9 vs.)
10) ORDER VACATING AND
11) DISMISSING JUDGMENT AND
12) SENTENCE FOR POSSESSION-
13) ONLY OFFENSES PURSUANT TO
14) STATE V. BLAKE.
15)
16) CODE: ORVCD
17) [Clerk’s Action Required]

18 THIS MATTER having come on regularly before the undersigned judge of the above-
19 entitled court upon the motion of the State of Washington, plaintiff, for an order vacating and
20 dismissing the prior judgement and sentence in this case, pursuant to the Washington Supreme
21 Court decision in State v. Blake, 197 Wash.2d 170, 481 P.3d 521 (2021). All counts in the prior
22 judgment and sentence are limited to possession offenses that are now void pursuant to Blake:

23 **VACATION.** IT IS HEREBY ORDERED, ADJUDGED and DECREED that based on
the ruling of the Washington Supreme Court in State v. Blake, 197 Wash.2d 170, 481 P.3d 521
(2021), holding that convictions under RCW 69.50.4013 are unconstitutional, the judgment and
sentence previously entered by the court in this cause number is vacated under CrR 7.8 and
dismissed with prejudice.

The Department of Correction is ordered to terminate any supervision or community
custody on the above cause number.

LEGAL FINANCIAL OBLIGATIONS. All counts from the judgement and sentence
previously entered in this cause number were for violations of RCW 69.50.4013(1) that have
been vacated by this order and no other counts remain. As such, the Clerk shall compute the
amount of all legal financial obligations, fees, fines, costs, charges assessments, or interest
("LFOs") actually paid by defendant that arise solely from the conviction(s) vacated by this order
("LFO Amount"). The Clerk shall refund the LFO Amount to defendant on behalf of plaintiff

ORDER VACATING AND DISMISSING
POSSESSION-ONLY JUDGEMENT AND
SENTENCE PER STATE V. BLAKE

Daniel T. Satterberg
Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104

1 State of Washington, or certify the amounts owing to defendant for direct payment by the State
2 of Washington from the "Blake Reimbursement Account" established by Section 21 of ESB
3 5476. The Clerk shall also delete or cancel any unpaid LFO balances that arise solely from the
conviction(s) vacated by this order, including any interest or collection fees. The Clerk shall
send the refund or certification form in the defendant's name to the following address:

4 Name: _____

5 Street Address: _____

6 City: _____ State: _____ Zip Code: _____

7 **WASHINGTON STATE PATROL.** The clerk of the court shall transmit a certified
8 copy of this order to the Washington State Patrol, which agency shall immediately update its
records to reflect the vacation and dismissal of the above counts ONLY. The Washington State
9 Patrol shall transmit a copy of this order to the Federal Bureau of Investigation.

10 DONE this _____ day of ____, 2021.

11 _____
12 The Honorable

13 Presented by:

14 _____

15 _____

16 Attorney WSBA# _____

17 _____

18 _____

19 Attorney WSBA# _____
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23
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