

SAMPLE ORDER EFFECTIVE TO ELIMINATE IMMIGRATION CONSEQUENCES. Note: it is the express reference to Blake’s determination of unconstitutionality that is required. This can be used in all cases – no “special” orders are required for noncitizens.

IN THE SUPERIOR COURT OF WASHINGTON FOR _____ COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

Defendant.

No.

(PROPOSED)

ORDER VACATING
CONVICTION(S), DISMISSING
CHARGE(S), CORRECTING
OFFENDER SCORE AND
GRANTING REQUEST FOR
RESENTENCING

THIS MATTER having come on pursuant to the defendant’s Motion to Vacate Conviction(s), Dismiss Charge(s), Correct Offender Score and for Resentencing based on the holding in *State v. Blake*, 197 Wash.2d 170, 481 P.3d 521 (2021), that RCW 69.50.4013 is unconstitutional, and the Court having reviewed the records and files herein and being fully advised, now therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. The defendant’s conviction(s) for Possession of a Controlled Substance entered against this defendant on the ___ day of _____, 20__ is/are hereby vacated as unconstitutional pursuant to State v. Blake. CrR 7.8(2)
2. The charge(s) of Possession of a Controlled Substance contained in the Information filed the ___ day of _____, 20__ against the above-named defendant, is/are hereby dismissed;

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

Count No.	Offense	Original Offender Score	Corrected Offender Score

4. The defendant is entitled to resentencing for these remaining counts.

5. A resentencing hearing will occur in front of Judge _____ at a date and time to be determined according to his/her schedule.

DATED this ____ day of _____, _____.

Superior Court Judge

PRESENTED BY:

Attorney for Defendant, WSBA #