

**SAMPLE ORDER EFFECTIVE TO ELIMINATE IMMIGRATION CONSEQUENCES.**  
Note: it is the express reference to Blake’s determination of unconstitutionality that is required. This is a slight modification to the original WAPA sample order (changes highlighted). It is intended for use in all cases; not as a separate order for cases involving noncitizens. (NOTE: RCW 2.28.310 prohibits courts and prosecutors from inquiring into immigration status, citizenship, or place of birth.)

**IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR XXXXX COUNTY**

**STATE OF WASHINGTON,**

Plaintiff,

v.

\_\_\_\_\_

Defendant.

**NO.**

**ORDER AFFORDING RELIEF  
FROM JUDGMENT PURSUANT  
TO *STATE V. BLAKE***

CLERK’S ACTION REQUIRED as to  
1.1, 1.2(a), 1.3, 1.4, 1.5, 2.1, 2.2(b)(i),  
2.3, 2.4, 2.4(i), 2.5(a), 2.8, and 3

**THIS MATTER** having come before the Court on  the State’s  the Defendant’s  both parties’ motion under CrR 7.8(b)(4)-(5), and the Court having reviewed the file and contents therein, **IT IS HEREBY**

**ORDERED**, based upon the ruling of the Washington State 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**, as follows:

**1. All convictions in the Judgment and Sentence were affected by *Blake*.**

1.1. Vacation and Dismissal. [check one]

1.1(a). The defendant pleaded as charged or was convicted at trial as charged; there were no charges pleaded down or left uncharged in exchange for the plea. (Or alternatively, the

State declines to refile any charges.) The judgment and sentence is hereby set aside, vacated in full, and all charges therein dismissed with prejudice.

1.3. Community Custody. The defendant is relieved of any community custody obligations imposed solely as a result of this judgment and sentence. The Department of Corrections (DOC) shall determine if the defendant is subject to community custody obligations arising from other convictions or judgments. The Clerk shall transmit a copy of this order to DOC.

1.4. Legal Financial Obligations; Refund. All legal financial obligations, fees, fines, costs, charges, assessments, or interest (LFOs) ordered in this cause, except any separate civil judgment(s) not predicated on conviction, are vacated and stricken. The Clerk shall delete or cancel any unpaid balance thereon, including any interest. To the extent payment was received on these LFOs, it shall be refunded. The amount received totaled \$\_\_\_\_\_. Reallocation: If the defendant has unpaid, past-due LFOs unaffected by *Blake* in other cause(s) under this Court's jurisdiction, the Clerk may apply this refund to satisfy LFOs in such cause(s) pursuant to RCW 9.94A.760(5) or RCW 9.94A.7606 without further notice to the defendant. Provided, that the Clerk must file a record in this cause and the other cause(s) reflecting this action. The State of Washington shall determine the amount and method of any refund herein with all deliberate speed.

1.5 Warrants Quashed. Any outstanding warrant in this matter is quashed.

**3. Criminal History Records.** Pursuant to RCW 10.97.045, the Clerk shall provide notice of the vacation herein to the Washington State Patrol and to the agency initiating the criminal history record for the charges affected herein. The Washington State Patrol and the initiating agency shall update their records accordingly. *Cf.* RCW 9.96.060(7).

**4. Other.** \_\_\_\_\_  
\_\_\_\_\_

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**JUDGE**

Presented by:

Received; Notice of Presentation Waived:

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Deputy Prosecuting Attorney

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«DEFENDANT NAME and ADDRESS»

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