

FILED
MARCH 30, 2021
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE


STATE OF WASHINGTON,)	No. 37321-5-III
)	
Respondent,)	
)	
v.)	UNPUBLISHED OPINION
)	
JOHN DESMARAIS,)	
)	
Appellant.)	

PENNELL, C.J. — John Desmarais appeals his six-month sentence for attempting to elude a police vehicle, arguing the State did not prove the convictions used to calculate his offender score. The parties agree Mr. Desmarais’s offender score is impacted by the recent decision in *State v. Blake*, ___ Wn.2d ___, 481 P.3d 521 (2021) and that Mr. Desmarais should be resentenced in light of *Blake*. We accept this concession and therefore reverse Mr. Desmarais’s sentence and remand for resentencing. Mr. Desmarais’s claims on appeal not governed by *Blake* can be raised in the trial court at resentencing.

No. 37321-5-III
State v. Desmarais


The sentence is reversed. This matter is remanded for resentencing.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

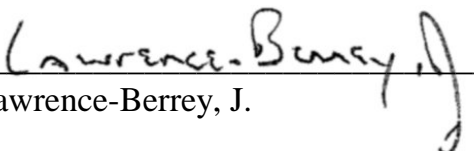


Pennell, C.J.

WE CONCUR:



Siddoway, J.



Lawrence-Berrey, J.