

FILED
MARCH 1, 2022
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

In the Matter of the Personal Restraint of)	
)	
KENT RICHARDSON.)	No. 38184-6-III Cons. with
)	No. 38210-9-III
)	
)	
)	UNPUBLISHED OPINION
)	
)	
)	

FEARING, J. — In these consolidated personal restraint petitions, Kent Richardson requests a recalculation of his offender score without the inclusion of his earlier conviction for possession of a controlled substance. The State agrees to the recalculation and to resentencing. Pursuant to *State v. Blake*, 197 Wn.2d 170, 195, 481 P.3d 521 (2021), we accept the State’s concession and remand for resentencing. In *State v. Blake*, the Washington Supreme Court held that the Evergreen State’s strict liability drug possession statute, former RCW 69.50.4013(1), violates due process under both the state and federal constitutions.

No. 38184-6-III cons. w/38210-9-III
In re Personal Restraint of Richardson

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.

Fearing, J.
Fearing, J.

WE CONCUR:

Siddoway, A.C.J.
Siddoway, A.C.J.

Lawrence-Berrey, J.
Lawrence-Berrey, J.