

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

BRIAN KEITH MOSES, JR.,

Appellant.

No. 81016-2-I

DIVISION ONE

UNPUBLISHED OPINION

COBURN, J. — Brian Keith Moses Jr. appealed his conviction for the crime of possession of methamphetamine under RCW 69.50.4013.

While Moses’s appeal was pending before this court, our Supreme Court determined RCW 69.50.4013, Washington’s strict liability drug possession statute, is void for violating the due process clauses of the state and federal constitutions because it criminalized unintentional, unknowing possession of controlled substances. See State v. Blake, No. 96873-0, slip op. at 29-30 (Wash. Feb. 25, 2021), <http://www.courts.wa.gov/opinions/pdf/968730.pdf>.

Following the Blake decision, Moses filed a motion in lieu of supplemental briefing requesting we reverse his conviction pursuant to Blake. The State filed a response conceding that this court should reverse and remand Moses’s conviction. We accept the State’s concession.

We reverse and remand for further proceedings consistent with the Blake decision.

Cohen, J.

WE CONCUR:

Vaughn J.

Dwyer, J.