

May 11, 2021

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

JAY ROBERT SPADONI,

Appellant.

No. 53482-7-II

UNPUBLISHED OPINION

MAXA, J. – Jay Spadoni appeals his conviction of unlawful possession of methamphetamine. He now challenges his conviction based on the Supreme Court’s decision in *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021). The State concedes that Spadoni’s conviction must be vacated. We reverse and remand for the trial court to vacate Spadoni’s conviction.

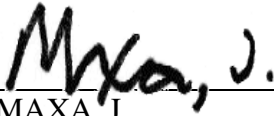
The State charged Spadoni with unlawful possession of a controlled substance, methamphetamine. A jury convicted him as charged.

In *Blake*, the Supreme Court held that Washington’s strict liability drug possession statute, RCW 69.50.4013(1), violates state and federal due process clauses and therefore is void. 197 Wn.2d at 195. As a result, any conviction based on that statute is invalid. *See In re Pers. Restraint of Hinton*, 152 Wn.2d 853, 857-58, 100 P.3d 801 (2004) (a judgment and sentence is invalid on its face when a defendant is convicted of a nonexistent crime). And a conviction based on an unconstitutional statute must be vacated. *See Blake*, 197 Wn.2d at 195; *State v.*


*Carnahan*, 130 Wn. App. 159, 164, 122 P.3d 187 (2005) (vacating a conviction that was based on a statute that the Supreme Court held was unconstitutional). Therefore, Spadoni's conviction for possession of a controlled substance must be vacated.

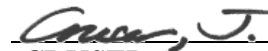
We reverse and remand to the trial court to vacate Spadoni's conviction of unlawful possession of a controlled substance.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

  
\_\_\_\_\_  
MAXA, J.

We concur:

  
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GLASGOW, A.C.J.

  
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CRUSER, J.