

May 18, 2021

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON

Respondent,

v.

KYRSTIN WOODCOCK,

Appellant.

No. 53983-7-II

UNPUBLISHED OPINION

WORSWICK, J. — Kyrstin Woodcock appeals her conviction for possession of a controlled substance. Woodcock argues that her conviction is unconstitutional based on our Supreme Court’s opinion in *State v. Blake*.¹ Because our Supreme Court has held that Washington’s possession of a controlled substance statute is unconstitutional, we reverse Woodcock’s conviction for possession of a controlled substance—methamphetamine and remand to the trial court to vacate the conviction.

FACTS

On December 13, 2018, the State charged Woodcock with possession of a controlled substance—methamphetamine. A jury found Woodcock guilty as charged. The trial court imposed a standard range sentence of nine days.

Woodcock appeals her conviction.

¹ *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021).

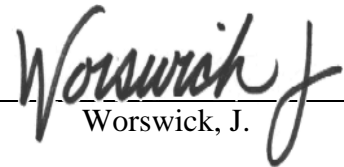
ANALYSIS

Woodcock argues that we should reverse her conviction for possession of a controlled substance—methamphetamine because the statute criminalizing possession of a controlled substance is unconstitutional. We agree.

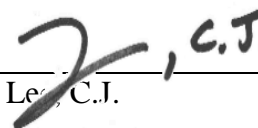
In *Blake*, our Supreme Court held that RCW 69.50.4013(1), the statute criminalizing simple possession, is unconstitutional. 197 Wn.2d at 173. Therefore, the statute is void. *Blake*, 197 Wn.2d at 195. Because RCW 69.50.4013(1) is void, Woodcock has not been convicted of any crime and her judgment and sentence is invalid. See *In re Pers. Restraint of Hinton*, 152 Wn.2d 853, 857-58, 100 P.3d 801 (2004). Accordingly, we reverse Woodcock’s conviction for possession of a controlled substance—methamphetamine.


We reverse and remand to the trial court to vacate Woodcock’s conviction for possession of a controlled substance—methamphetamine.

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.


Worswick, J.

We concur:


Leach, C.J.


Cruser, J.