

May 25, 2021

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

**DIVISION II**

STATE OF WASHINGTON,

Respondent,

v.

BRIAN NOEL DOTSON,

Appellant.

No. 54081-9-II

UNPUBLISHED OPINION

SUTTON, J. — Brian Dotson appeals his two convictions for the crime of possession of methamphetamine under RCW 69.50.4013.

While Dotson’s appeal was pending before this court, our Supreme Court held that Washington’s simple drug possession statute, RCW 69.50.4013(1), violates state and federal due process clauses and therefore the statute is void. *State v. Blake*, 197 Wn.2d 170, 195, 481 P.3d 521 (2021). A defendant cannot be convicted based on a void statute. *See State v. Rice*, 174 Wn.2d 884, 893, 279 P.3d 849 (2012).

Following the *Blake* decision, the State filed its brief and conceded that this court should reverse and remand for the trial court to vacate Dotson’s two possession convictions. We accept the State’s concession that the two convictions should be reversed.

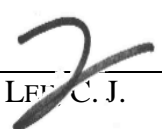
We reverse and remand for the trial court to vacate Dotson's two convictions for the crime of possession of methamphetamine.

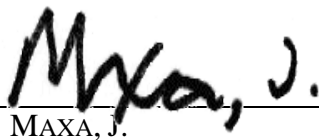
A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.



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SUTTON, J.

We concur:

, C.J.  
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LF, C.J.

  
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MAXA, J.