

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
BY [Signature]
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**IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II**

STATE OF WASHINGTON,)	
)	
Respondent,)	
V.)	NO. 38624-1-II
)	
JASON SLIGHTE)	STATE'S CONCESSION
)	ON APPEAL
Appellant.)	<u>(GANT/MCCORMICK)</u>
)	
)	
)	
)	

Michael Golden, Lewis County Prosecuting Attorney,
representing Respondent State of Washington, by and through Lori
Smith, Deputy Prosecuting Attorney, submits this response to
Pedersen's opening brief on appeal.

Respondent hereby concedes that pursuant to this Court's
recent ruling in State v. McCormick, 2009 WL 3048723, ___ P.3d ___
(2009), and the United States Supreme Court's opinion in Arizona v.
Gant, ___ U.S. ____, 129 S.Ct. 1710, 173 L.Ed.2d 485 (2009), the
search of the vehicle performed "incident to arrest" in this case was
improper. Because the fruits of that now-illegal search were the only
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basis for Slighte's conviction, Respondent agrees that this case must
be remanded for vacation of his conviction and dismissal of this case.

RESPECTFULLY submitted this 9th day of October, 2009.

MICHAEL GOLDEN
LEWIS COUNTY PROSECUTING ATTORNEY

by: 
LORI SMITH, WSBA 27961
Deputy Prosecuting Attorney

DECLARATION OF MAILING

The undersigned declares under the penalty
Of perjury under the laws of the State of Washington
That on Oct. 9, 2009 a copy of this document was
served upon the Appellant by placing said document
In the United States mail, postage prepaid, addressed
to Appellant's attorney as follows:

John A. Hays
1402 Broadway, Suite 103
Longview, WA 98632

Dated this 9th day of October, 2009, at Chehalis, Washington.



STATE'S GANT CONCESSION 2
ON APPEAL