

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 1031882
)	
vs.)	
)	ANSWER TO PETITION
CURTIS JOHN WALKER,)	FOR REVIEW
)	
Petitioner.)	
)	
)	

Petitioner Walker seeks review of the Court of Appeals’ decision in State v. Walker, No. 84531-4-I, ___ Wn. App. 2d ___, 2024 WL 1717968 (Apr. 22, 2024), in which the court affirmed the trial court’s grant of Walker’s motion to vacate his conviction for possession of a controlled substance in the wake of State v. Blake, 197 Wn.2d 170, 481 P.3d 521 (2021). The State asks this Court to deny the petition for review. Walker does not discuss any of the criteria for review set out in RAP

13.4(b), let alone establish that any are satisfied in this case.

Moreover, the reasoning and authority set out in the Court of Appeals' opinion makes clear that Walker's appeal is meritless and that the criteria for review are not met here.

But in addition to the reasoning set forth in the Court of Appeals' opinion, there are several grounds upon which to affirm the trial court that were raised by the State and not addressed by the Court of Appeals. These arguments provide even more reasons why the petition for review should be denied. Specifically, the Court of Appeals did not address the State's arguments that (1) Walker's appeal should be dismissed because Walker is not an aggrieved party within the meaning of RAP 3.1¹ (Br. of Respondent at 8-10); (2) Walker's claim is

¹ The State initially filed a motion to dismiss the appeal on this basis before Walker filed his opening brief. A commissioner of the Court of Appeals denied the motion without prejudice and stated that the State could renew the motion in the Brief of Respondent. Notation Ruling by Commissioner Masako Kanazawa entered on February 22, 2023.

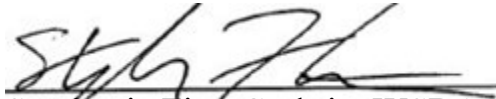
barred by the doctrine of invited error (Br. of Respondent at 10-11); (3) Walker fails to establish that the right to counsel and right to be present are implicated when the trial court grants an agreed CrR 7.8 motion to vacate a constitutionally-invalid conviction (Br. of Respondent at 11-17); and (4) any error was harmless because, even if counsel had been appointed and had brought a motion to withdraw Walker's guilty pleas on other offenses before the Blake-affected conviction was vacated, the motion would have been an untimely collateral attack barred by RCW 10.73.090 (Br. of Respondent at 17-20). If this Court grants the petition for review, the State asks that the Court also review these alternative bases to affirm.

For the foregoing reasons, the petition for review should be denied.

This document contains 446 words, excluding the parts of the document exempted from the word count by RAP 18.17.

Submitted this 9th day of July, 2024.

LEESA MANION (she/her)
King County Prosecuting Attorney

A handwritten signature in dark ink, appearing to read 'Steph FH', written over a horizontal line.

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