

Superior Court of Washington, County of \_\_\_\_\_

State of Washington,  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
DOB

No. \_\_\_\_\_

Blake Motion to Vacate Drug Possession  
Conviction and Refund Paid LFOs Amounts  
(MT)

**Blake Motion to Vacate Drug Possession Conviction and  
Refund Paid LFO Amounts**

**1. This matter comes before the court on:**

- ☐ Defendant's motion.
- ☐ State's motion.
- ☐ Motion of the Court, in the interest of justice.

**2. Motion and Relief Requested:**

The movant requests the court vacate unconstitutionally void *Blake* conviction/s and order a refund of legal financial obligations (LFOs) paid on the unconstitutional conviction/s, as well as waive any balance remaining on LFOs resulting from the unconstitutional conviction/s. The movant requests the court further direct the clerk to revoke or remove any such LFO assigned to a private collection agency, and stop any collection action resulting solely from the void convictions. This motion is based on *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), *State v. A.L.R.H.*, 20 Wn. App. 2d 384, 500 P.3d 188 (2021), *Nelson v. Colorado*, 581 U.S. 128, 137 S. Ct. 1249 (2017), CrR 7.8 (b)(4), GR 15(b)(8) and the case record and files.

In addition to a vacate of conviction/s, waiver of LFOs, and refund of paid LFOs, the movant requests this Court further:

- a) Order the clerk to update or vacate defendant's criminal record;
- b) Dismiss the information with prejudice as to the refiling of any charges alleged in the original or amended information or indictment in this case if no counts remain; if counts remain, dismiss the charge/s in the information, as originally filed or amended, with prejudice as to the counts/crimes vacated under *State v. Blake*;
- c) Release the defendant from all penalties and disabilities resulting from any conviction under this case and those offense/s shall not be included in the defendant's criminal history for purposes of determining a sentence in any subsequent conviction;
- d) Determine any remaining term of community custody, if applicable;
- e) Quash outstanding arrest warrants in this matter if there are no other convictions on the judgment and sentence;
- f) Direct the Clerk of the Court notify the Department of Licensing to reinstate the defendant's privilege to drive, if the defendant was under 21 years old at the time of conviction and this *Blake* conviction was the sole basis for suspending the defendant's privilege to drive pursuant to RCW 69.50.420(2).
- g) Order the clerk to transmit notice of the vacate order to Washington State Patrol and local law enforcement agency to update their records to reflect the vacate;
- h) Order the Washington State Patrol to transmit notice of the vacate order to the Federal Bureau of Investigation;
- i) Order the clerk to forward a copy of the vacate order to the Department of Corrections;

### **3. Basis**

#### **a) Conviction:**

The defendant's underlying conviction for simple drug possession was based on one or more of the following:

- a) RCW 69.50.4013(1), for convictions on or after July 1, 2004;

- b) RCW 69.50.4014, for convictions on or after July 1, 2004;
- c) RCW 69.50.401(e), for convictions between March 21, 1979 and June 30, 2004;
- d) RCW 69.50.401(d), for convictions between 1971 and March 20, 1979;
- e) An inchoate offense for one of the above statutes.

Additional information:

---

---

**b) LFO refund (check one):**

- ☐ A refund may be due. The Clerk should determine whether LFOs were paid on the unconstitutional conviction/s and calculate an LFO refund amount.
- ☐ Attached is a true and correct copy of the **LFO Accounting Summary** obtained from the Superior Court Clerk's office. (Optional)

**4. Reservation of Rights**

Defendant reserves the right to bring a motion to seek additional or different relief from that requested here, including but not limited to a motion for resentencing or a motion for a refund for third-party costs associated with the unconstitutional conviction.

**5. Hearing**

Defendant understands Defendant may need to take further action to have this matter considered by a court.

If filed by Prosecuting Attorney, Defendant, or Defense Attorney:

---

Prosecuting Attorney WSBA No.

---

Defendant or Defense Attorney WSBA No.

---

Print Name

---

Print Name

///

Defendant's Mailing Address, if known:

---

---

---

Phone: 

---

Email: 

---

**Attach a copy of the LFO Accounting Summary (if available)**