

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 78485-4-I
Petitioner,)	
)	DIVISION ONE
v.)	
)	
WILLIAM ALI IVORY,)	UNPUBLISHED OPINION
)	
Respondent.)	FILED: OCT 15 2018
_____)	

PER CURIAM – The State of Washington sought review of a superior court ruling granting William Ivory’s post-conviction motion for a new sentencing hearing. We granted discretionary review and now remand for further proceedings.

In 1999, a jury convicted Ivory of first degree murder. The mandate on the conviction issued in 2000. In 2017, this court held in In re Pers. Restraint of Light-Roth, 200 Wn. App. 149, 401 P.3d 459 (2017), that a 2015 Washington State Supreme Court decision addressing exceptional sentences based on youth was a significant change in the law, applied retroactively, and brought Light-Roth’s petition within an exception to the time bar for collateral attacks. In 2018, Ivory filed a CrR 7.8 motion requesting a resentencing hearing at which his youthfulness at the time of the offense (he was 18) would be considered. The trial court granted the motion and the State sought discretionary review, arguing that Ivory’s motion was time-barred.

While the State’s motion for discretionary review was pending, the Washington State Supreme Court reversed Light-Roth, holding that its 2015 decision addressing exceptional sentences based on youth was not a significant

No. 78485-4-1/2

change in the law and that Light-Roth's personal restraint petition was therefore time-barred. In re Pers. Restraint of Light-Roth, ___ Wn.2d ___, 422 P.3d 444 (2018).

Relying on the Supreme Court's decision in Light-Roth, a commissioner of this court granted the State's motion for discretionary review and directed counsel to "inform the court in writing [of] their views on the best way to proceed." Ruling at 2. Ivory's counsel informed this court by letter that he had conferred with opposing counsel and they agreed the case should be "remanded for further proceedings without further briefing in the Court of Appeals."

Given the parties' stipulation, we remand for further proceedings in light of the State Supreme Court's decision in Light-Roth.

For the Court:

Becker, J.
Dunn, Jr.
Appelwick, CJ

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