

June 2, 2021

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

K.L.O.,

Appellant.

No. 54175-1-II

UNPUBLISHED OPINION

WORSWICK, J. — KLO appeals her adjudication for violation of the uniform controlled substances act—possession of 40 grams or less of marijuana while under 21 years of age. She argues that her adjudication is unconstitutional under *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021). We agree. Consequently, we reverse KLO’s adjudication and remand to juvenile court to vacate KLO’s adjudication for possession of 40 grams or less of marijuana while under 21 years of age and dismiss the case.

FACTS

In June 2019, the State charged KLO with one count of violation of the uniform controlled substances act—possession of 40 grams or less of marijuana while under 21 years of age. The juvenile court found KLO guilty. KLO appeals her adjudication and disposition.

ANALYSIS

KLO argues that in light of our Supreme Court’s holding in *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), we should vacate her unlawful possession of a controlled substance adjudication. In *Blake*, our Supreme Court concluded that the strict liability drug statute, RCW

No. 54175-1-II

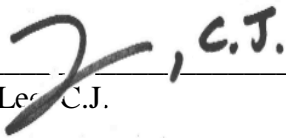
69.50.4013(1), is void because it “criminalize[s] innocent and passive possession” of controlled substances and violates the “due process clauses of the state and federal constitutions.” 197 Wn.2d at 187, 188. The State concedes this issue, and we agree that KLO’s adjudication must be reversed.

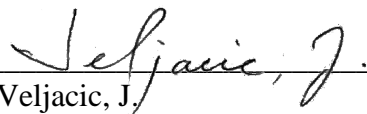
Accordingly, we reverse KLO’s adjudication for violation of the uniform controlled substances act—possession of 40 grams or less of marijuana while under 21 years of age, and remand to the trial court to vacate this adjudication and dismiss the case.

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.


Worswick, J.

We concur:


Lee, C.J.


Veljacic, J.