

October 19, 2021

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

In the Matter of the Personal Restraint of:

BOYD KEITH STACY,

Petitioner.


No. 56110-7-II

UNPUBLISHED OPINION

LEE, C.J. — Boyd K. Stacy seeks relief from personal restraint imposed following his 2019 plea of guilty to one count of unlawful possession of controlled substances and two counts of bail jumping, committed while charged with unlawful possession of controlled substances. He argues that under *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), which held former RCW 69.50.4013(1) (2017), the statute making possession of controlled substances illegal, to be unconstitutional, he is entitled to have all three convictions vacated. The State concedes that under *Blake*, Stacy is entitled to have his conviction for unlawful possession of controlled substances vacated. But the invalidation of his conviction for unlawful possession of controlled substances does not affect the validity of the bail jumping convictions. *State v. Downing*, 122 Wn. App. 185, 193, 93 P.2d 900 (2004).

Accordingly, we grant Stacy's petition with regard to the unlawful possession of controlled substances conviction, and remand Stacy's judgment and sentence to the trial court for vacation of his conviction for unlawful possession of controlled substances and for resentencing on the remaining convictions. We deny the remainder of his petition and deny his request for appointment of counsel.

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.

 , C.J.  
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Le, C.J.

We concur:

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Glasgow, J.

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Price, J.