

DRAFT

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

STATE OF WASHINGTON,

Plaintiff,

v.

Defendant.

No. _____

ORDER AFFORDING RELIEF
FROM JUDGMENT PURSUANT TO
STATE V. BLAKE

(FJSR)

CLERK'S ACTION REQUIRED as to
1.1, 1.2(a), 1.3, 1.4, 1.5, and 3

This matter having come before the Court on the State's the Defendant's both parties' motion under CrR 7.8(b)(4)-(5), and the Court having reviewed the file and contents therein, it is hereby

ORDERED, based upon the ruling of the Washington State Supreme Court in *State v. Blake*, No. 96873-0 (decided February 25, 2021), as follows:

ORDER of RELIEF FROM JUDGMENT Per *STATE V. BLAKE*
-Vacate and Dismiss (form 4-28-21)

1 **1. All convictions in the Judgment and Sentence were affected by Blake.**

2 **1.1. Vacation and Dismissal.**

3 1.1(a). In this case, the defendant was convicted and sentenced for:

4 Count 1: _____;

5 Count 2: _____;

6 Count 3: _____;

7 **The judgment and sentence is hereby set aside, vacated in full, and all charges therein**
8 **dismissed with prejudice.**

9 **1.2. Custody.**

10 1.2(a). No permissible charges remain or the State declines to refile. The defendant shall
11 immediately be released (if in custody) on this matter without conditions, and any un-forfeited bail,
12 bond, or surety previously entered is hereby exonerated.

13
14
15 **1.3. Community Custody. The defendant is relieved of any community custody obligations**
16 **imposed solely as a result of this judgment and sentence. The Department of Corrections (DOC)**
17 **shall determine if the defendant is subject to community custody obligations arising from other**
18 **convictions or judgments. The Clerk shall transmit a copy of this order to DOC.**

19
20 **1.4. Legal Financial Obligations; Refund.**

21 1.4.a. All legal financial obligations, fees, fines, costs, charges, assessments,
22 restitution, or interest (LFOs) ordered in this cause, except any separate civil judgment(s) not
23 predicated on conviction, are vacated and stricken. The Clerk shall delete or cancel any unpaid
24 balance thereon, including any interest.

25
26
27
28 ORDER of RELIEF FROM JUDGMENT Per STATE V. BLAKE

-Vacate and Dismiss (form 4-28-21)

29 Page - 2

WHITMAN COUNTY PROSECUTOR
PO Box 30, Colfax WA, 99111
(509) 397-6250, FAX (509) 397-5659

1 1.4.b. The total amount of money received by the Clerk from the defendant or others on the
2 defendant's behalf, and applied to this case is: \$ _____.

3
4 1.4.c. (check if applicable) Reallocation: The defendant has unpaid, past-due LFOs
5 unaffected by *Blake* in other cause(s) under this Court's jurisdiction as follows:

6 In case number _____, the defendant's past-due amount: \$ _____;

7 In case number _____, the defendant's past-due amount: \$ _____.

8
9 The total past-due amount: \$ _____

10 The Clerk shall reallocate _____ dollars of the total listed in 1.4.b
11 above, to satisfy past-due LFOs in these other cases pursuant to RCW 9.94A.760(5)
12 and RCW 9.94A.7606 without further notice to the defendant. This Order shall serve
13 as a record of such in this case, and the Clerk shall make a notation in the other
14 cause(s) reflecting this action.

15
16 1.4.d The total amount of all reimbursable / refundable payments (1.4.b above), minus the
17 amount ordered to be re-allocated (1.4.c above) is \$ _____.

18 **The State of Washington shall reimburse / refund \$ _____**
19 **to the defendant with all deliberate speed.**

20
21
22 1.5 Warrants Quashed. Any outstanding warrant in this matter is hereby quashed.
23
24
25
26
27

1 **3. Criminal History Records.** Pursuant to RCW 10.97.045, the Clerk shall provide notice of the
2 vacation herein to the Washington State Patrol and to the agency initiating the criminal history record
3 for the charges affected herein. The Washington State Patrol and the initiating agency shall update
4 their records accordingly. Cf. RCW 9.96.060(7).

5 **4. Other.** _____
6 _____
7 _____
8 _____
9 _____

10 DATED this _____ day of _____, 2021.

11
12 _____
13 JUDGE / COMMISSIONER

14
15 Presented by:

15 Notice of Presentation Waived:

16
17 _____
18 DPA _____,
18 WSBA # _____

17 _____
18 Defendant's Signature

18 _____
19 Defendant's Printed Name

19 Defendant appeared remotely (by Zoom)
20 and was informed of the contents of this Order.

21
22 _____
23 Defendant's Attorney _____
23 WSBA# _____

21 _____
22 Defendant's Email

24 _____

25 _____
26 Defendant's Mailing Address

27
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29 Page - 4

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