

MAY 26 2021

Scott Tinney  
Lewis County Clerk

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR LEWIS COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

Defendant.

No. [REDACTED]

ORDER VACATING  
CONVICTION AND DISMISSING  
WITH PREJUDICE

CLERK'S ACTION REQUIRED

THIS MATTER having come on pursuant to the State's Motion to Vacate Conviction and Dismiss With Prejudice, and the Court having reviewed the records and filed herein and being fully advised in the premises, now therefore,

IT IS HEREBY ORDERED that

1. The conviction for possession of marijuana under 40 grams in violation of RCW 69.50.4014 is vacated and dismissed with prejudice due to the statute being found unconstitutional as a violation of the police powers under both the United States and Washington State Constitution by the Washington State Supreme Court. The conviction under RCW 69.50.4014 was void ab initio.

2. The Defendant is entitled to a refund of all restitution, fees and fines (collectively "LFOs") that have been paid that relate solely to the vacated conviction. If the Defendant owes LFOs in another cause number, the Court directs that the LFOs paid in this cause number be applied to any past due LFOs in the other case(s).

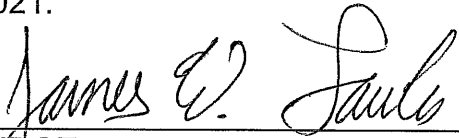
3. The time imposed related solely to the vacated conviction is vacated.

1 4. Community custody imposed pursuant to the possession of a controlled  
2 substance conviction is vacated.

3 5.  The person is in custody or subject to community custody supervision,  
4 therefore, the clerk's office shall provide the Department of Corrections with a copy of  
5 this order.

6 6. The Clerk of the court shall immediately transmit a copy of this order vacating  
7 the conviction to the Washington State Patrol Identification Section and to the  
8 Department of Corrections. The Washington State Patrol shall immediately update their  
9 records to reflect the vacation of the charge(s), and shall transmit the order vacating the  
10 conviction to the federal bureau of investigation.

11  
12 DATED this 26 day of May, 2021.

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16 JUDGE

17 Presented by:

Approved:

18 JONATHAN L. MEYER  
19 Lewis County Prosecuting Attorney

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23 SARA I. BEIGH, WSBA #35564  
24 Deputy Prosecuting Attorney

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/s/  
BRIAN CONRY, WSBA #32392  
Attorney for the Defendant