**IN THE CITY OF YAKIMA MUNICIPAL COURT**

|  |  |
| --- | --- |
| CITY OF YAKIMA,  Plaintiff  vs.    Defendant | No.  **Motion and Order Vacating and Dismissing Convictions Pursuant to *State v. Blake***  [ ] **Granted** (in full or in part) (**ORVCJG**)  [ ] **Denied** (**ORVCJD**)  **Clerk's Action Required.** |

**1. Motion**

Defendant filed a petition to move the court or an order vacating and dismissing with prejudice the offense(s) set forth in this order. This motion is brought under the authority of CrRLJ 7.8; *State v. Blake*, 197 Wn.2d 170, 174, 481 P.3d 521, 524 (2021); and *State v. A.L.R.H*., 20 Wn.App.2d 384 (Div. 2, Dec. 7, 2021).

**2. Findings**

1. Adequate notice [ ] was [ ] was not given to the appropriate parties and agencies.
2. [ ] The defendant was 21 years of age or older at the time the defendant committed the offense(s).
3. [ ] The conviction(s) being vacated below are unconstitutional based on *Blake* and *A.L.R.H*.
4. [ ] As to the conviction(s) being vacated below, the requirements of CrRLJ 7.8 are satisfied.
5. [ ] The defendant is entitled to a refund of any Legal Financial Obligations (LFOs) previously paid in connection with the vacated cause number(s) as set forth below.

**3. Order**

As a result of these findings, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. Based on the petition, the court orders that the following offense(s) is/are:

Count No: Offense: [ ] Vacated [ ] Not vacated

Count No: Offense: [ ] Vacated [ ] Not vacated

Count No: Offense: [ ] Vacated [ ] Not vacated

**For the counts in which the court vacated the conviction, the court further orders that:**

1. The charging document is dismissed with prejudice, and the judgment and sentence(s) is/are vacated.
2. Defendant shall be released from all penalties and disabilities resulting from the offense listed this motion. For all purposes, including responding to questions on employment or housing applications, Defendant may state that they have never been convicted of that offense.
3. The fact that Defendant has been convicted of the offense shall not be included in Defendant’s criminal history for purposes of determining a sentence in any subsequent conviction.
4. If the defendant was under 21 years old at the time of conviction, the clerk shall notify the Department of Licensing to reinstate the defendant’s privilege to drive, if suspended due to this judgement. RCW 69.50.420(2).
5. The clerk of the court shall immediately transmit a certified copy of this order to the Washington State Patrol and to Yakima Police Department, which agencies shall immediately update their records to reflect the vacation of the conviction of the offense(s) as listed above. The Washington State Patrol shall transmit a copy of this order to the Federal Bureau of Investigation. The Washington State Patrol and local law enforcement agency may not disseminate or disclose a conviction that has been vacated under RCW 9.96.060 to any person, except to other criminal justice enforcement agencies. RCW 9.96.060(8).
6. All Legal Financial Obligations, fees, fines, costs, charges, assessments, or interest (LFOs) resulting from the convictions vacated herein, except any separate civil judgement(s) not predicated on conviction, are vacated.

[ ] **Stop Collection:** If the LFOs have been assigned to a private collection agency, that assignment is revoked, and the account is removed from that agency for collection. All associated collection costs are waived including fees, interest or other monies related to collection. The Clerk shall remove the LFOs from collection and waive collections fees.

[ ] **Refund:** To the extent payment was received on these LFOs, the payment shall be refunded to the defendant. Refundable LFO amounts shall include, but are not limited to: court costs, fees, fines, victim restitution, and interest, as well as additional fees, interest, or any other monies associated with counts vacated that the defendant paid to a private collection agency, which were not remitted to the court.

[ ] No LFO amounts were paid on the vacated offenses.

[ ] The total amount received is: $ . This amount will be refunded.

The Clerk shall provide an LFO accounting summary to the defendant and to the agency that processes Blake refunds. The defendant shall be refunded the amount above. If the defendant disputes the refund amount, the defendant may file a motion with the court.

Amounts shall be reimbursed by a check mailed to the defendant.

Dated:

**Judge/Commissioner**

Submitted by: Approved:

Defendant/Attorney for Defendant/WSBA # Deputy Prosecuting Attorney/WSBA #

Print Name Print Name