

# State v. Blake Information

The Department of Judicial Administration, also known as the Superior Court Clerk's Office, is processing orders to vacate drug possession convictions. Our office also assists defendants who have made Legal Financial Obligation (LFO) payments on these cases to get a refund.

## What is State v. Blake?

The Washington Supreme Court's recent opinion in State v. Blake, Cause No. 96873-0 (Feb. 25, 2021), held that RCW 69.50.4013 and its predecessor statutes (collectively "RCW 69.50.4013" or "simple possession") are unconstitutional. This has resulted in an unprecedented number of post-conviction motions for relief.

### State v. Blake Forms

[State v. Blake Refund Application](#)

## Do I need to do anything to vacate my drug possession conviction?

No, all drug possession convictions impacted by the State v. Blake ruling in King County Superior Court will be reviewed by the Prosecuting Attorney's Office, and the Court will enter an order to vacate based on the date of the conviction (newest to oldest).

You may check your case file to see if an order has been entered in your case by using the clerk's records access portal [here](#) (Linked page is not translated.).

If you have trouble locating your case, you can contact us at:

- email: [clerksofficecustomerservice@kingcounty.gov](mailto:clerksofficecustomerservice@kingcounty.gov)
- phone: 206-296-9300

## What happens after my conviction is vacated?

Once a vacate order is entered the Clerk will update the court record and send a copy of the order to Washington State Patrol to update their records.

## Who is eligible for a refund?

Refunds are ordered when the only conviction(s) on a case is for drug possession. Any LFO's paid on that case can be refunded to the defendant; after an application is received and approved by the clerk.

Cases with a drug possession conviction and any other conviction are not eligible for a refund through this process. If you believe a refund should be

ordered, please consult with your attorney or contact the Department of Public Defense at

- email: [DPDBlakeRequest@kingcounty.gov](mailto:DPDBlakeRequest@kingcounty.gov)
- phone: 206-296-7662 or toll-free at 1-844-935-3534

## How do I request a refund?

1. Verify an order to vacate the conviction has been entered in your case(s).
2. If you have previously paid LFO's on the case(s), you can request a refund in any of the three methods below:
  - **Email:** Send a completed application form and proof of identity to: [DJA-BlakeRefund@kingcounty.gov](mailto:DJA-BlakeRefund@kingcounty.gov)
  - **Mail:** Download, print, and complete the application, provide proof of identity, and mail it to the address below.
  - **In Person:** Visit our office to complete the application and show proof of identity.

King County Superior Court Clerk  
516 Third Avenue, Rm E-609  
Seattle, WA 98104

## How will I receive my refund?

Once the clerk has approved a refund application, a letter will be mailed indicating the refund amount. Refunds will be issued on a prepaid debit card or by check.

**Can't find what you need?** [See additional \*State v. Blake\* resources](#) or find out how to contact an attorney. (Linked page is not translated, but free interpretation assistance is available through the Department of Public Defense.)

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