SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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| STATE OF WASHINGTON,Plaintiff, vs.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,Defendant. |  | )))))))))))) | No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_MOTION, AND ORDER TO AMEND THE JUDGMENT AND SENTENCE PURSUANT TO *BLAKE* CODE: ORJMS[Clerk’s Action Required] |

THIS MATTER having come on regularly before the Court, upon the motion of the [ ]  State

 [ ]  Defendant [ ]  both parties to amend the judgment and sentence pursuant to the decision of the Washington State Supreme Court in *State v. Blake*, No. 96873-0 (decided February 25, 2021),

The parties have agreed that the defendant’s judgment and sentence should be amended to reflect a lower offender score and standard sentencing range. At the time of defendant’s original sentencing in the above captioned case:

1. On count \_\_\_\_\_\_\_ the defendant had an offender score of \_\_\_\_\_, with a standard range of \_\_\_\_\_\_\_\_\_ months on his conviction for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

*(If the judgment and sentence contains multiple counts include information for each count below)*

On count \_\_\_\_\_\_\_ the defendant had an offender score of \_\_\_\_\_, with a standard range of \_\_\_\_\_\_\_\_\_ months on his conviction for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

On count \_\_\_\_\_\_\_ the defendant had an offender score of \_\_\_\_\_, with a standard range of \_\_\_\_\_\_\_\_\_ months on his conviction for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. The original score of \_\_\_\_\_ included:

[x]  \_\_\_\_\_ number of convictions for violations of RCW 69.50.4013. Those convictions are now unconstitutional pursuant to *State v. Blake*.

[ ]  1 point for being on community custody related to a conviction that is now unconstitutional pursuant to *State v. Blake.*

1. In light of *State v. Blake*, the parties agree that the defendant’s corrected offender score is now \_\_\_\_\_. Defendant’s judgment and sentence should be amended to reflect the corrected offender score, and a new standard sentencing range of \_\_\_\_\_\_\_ months. See Appendix A. (if *additional counts carry a different score/range include them below*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Defense counsel has consulted with the defendant and advised the defendant that sentencing is a critical stage of the proceedings and that he/she/they has a constitutional right to appear at a sentencing hearing at which the judge may reconsider their sentence in light of the corrected offender score.
2. The defendant acknowledges this right but waives any right to be present at this motion to amend the judgment and sentence. The defendant authorizes their attorney to represent their interests by entry of an agreed order.
3. The defendant acknowledges and waives right to allocution that would normally occur upon resentencing.
4. The defendant also agrees that the revised offender score and standard sentencing range are correct.
5. The defendant understands that the court may impose any sentence term within the standard range, even if the parties have agreed to a low-end recommendation. That said, the parties agree that if the Court is not inclined to grant the agreed upon sentence that this agreed order will be withdrawn and a resentencing hearing will be scheduled.
6. The defendant understands and agrees that except as modified herein, no other terms of the judgment and sentence are modified by this order. Defense counsel attests that the defendant is making a knowing, voluntary, and intelligent waiver of their rights by engaging in this procedure for entry of an agreed amended judgment and sentence.

The parties agree to an amended sentence of \_\_\_\_\_\_\_ months.

**ORDER**

Good cause having been shown, based upon the ruling of the Washington State Supreme Court in *State v. Blake*, No. 96873-0 (decided February 25, 2021), it is hereby ordered, adjudged and decreed as follows:

1. The defendant’s convictions pursuant to RCW 69.50.4013 are unconstitutional, pursuant to *State v. Blake*.
2. The defendant’s judgment and sentence is amended to reflect an offender score of \_\_\_\_\_, and a standard range of \_\_\_\_\_\_\_ months; (if additional counts they are included below)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The defendant is hereby sentenced to a term of \_\_\_\_\_ months. (additional counts are included below)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The defendant understands that no other changes are being made to the Judgment & Sentence signed by the court on \_\_\_\_\_\_\_ (date).

1. The court finds that the defendant has made a knowing, intelligent and voluntary waiver of their right to appear and to allocute.
2. The court requests that a copy of this document be transmitted to the Department of Corrections to determine credit for any time served by the defendant and determine whether they have served their time on this cause number.
3. Under RCW 10.64.110(3), the amended judgment and sentence need not contain the defendant’s fingerprints if there are no additional offenses of conviction, the defendant is in custody in a correctional facility, and the amended judgment and sentence references the original judgment and sentence and the fingerprints affixed thereto.

DONE IN OPEN COURT this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 2021.

JUDGE/COURT COMMISSIONER

Presented by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, WSBA# \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Defendant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Prosecuting Attorney, WSBA# \_\_\_\_\_\_\_\_\_\_\_\_\_\_