

January 25, 2022

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

In the Matter of the Personal Restraint of  
GARNETT LYNN WILLIAMS,  
Petitioner.

No. 56508-1-II

UNPUBLISHED OPINION

MAXA, J. – Garrett Lynn Williams seeks relief from personal restraint imposed following his 2010 judgment and sentence finding him guilty of first degree assault and first degree unlawful possession of a firearm. A 2007 conviction for unlawful possession of a controlled substance was included in his offender score. Williams argues that under *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), he is entitled to be resentenced with the 2007 conviction removed from his offender score. In *Blake*, the Supreme Court held that former RCW 69.50.4013(1) (2017), the statute making possession of a controlled substance illegal, was unconstitutional. *Id.* at 195. The State concedes that under *Blake*, Williams is entitled to be resentenced.<sup>1</sup>

Accordingly, we remand Williams’ 2010 judgment and sentence to the trial court for resentencing. Williams’ other claims can be addressed by the trial court at resentencing. We deny his request for appointment of counsel.

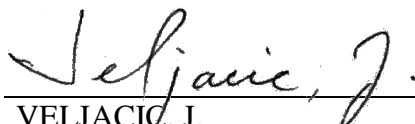
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<sup>1</sup> The trial court already has entered an order vacating Williams’ 2007 conviction, based on *Blake*.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

  
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MAXA, P.J.

We concur:

  
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VELJACIC, J.

  
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PRICE, J.