

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

IN THE MATTER OF THE
PERSONAL RESTRAINT OF:

VERNON JOSEPH AGEE,

Petitioner.

No. 84740-6-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM — In 2006, a jury convicted Vernon Agee of murder in the second degree in King County Superior Court No. 05-1-06802-3 SEA. The criminal history used in calculating Agee’s offender score included 1989 convictions by plea of guilty to possession of a controlled substance, theft in the second degree, and taking a motor vehicle in King County Superior Court No. 89-1-01189-8.

In November 2022, Agee filed a personal restraint petition seeking to vacate his 1989 drug possession conviction pursuant to State v. Blake, 197 Wn.2d 170, 195, 173, 481 P.3d 521 (2021) (holding that former RCW 69.50.4013(1), the statute criminalizing simple drug possession, is unconstitutional and void). In February 2023, Agee filed an amended petition additionally challenging his 2006 judgment and sentence. The acting chief judge dismissed Agee’s challenge to his judgment and sentence under RAP 16.8.1(b) and referred his request to vacate his 1989 drug possession conviction to a panel of judges.

On September 20, 2023, the State informed this court that the superior court

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vacated Agee's 1989 drug possession conviction on July 21, 2023. Because Agee has received the relief he requested, this claim is now moot. See In re Pers. Restraint of Cross, 99 Wn.2d 373, 376-77, 662 P.2d 828 (1983) (a claim is moot if the court can provide no effective relief). Accordingly, the petition is dismissed.

FOR THE COURT:

Birk, J.

Seldman, J.

Smith, C.J.
