

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 63408-9-I
Respondent,)	
)	DIVISION ONE
v.)	
)	
DWAYNE PARKS,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: September 27, 2010

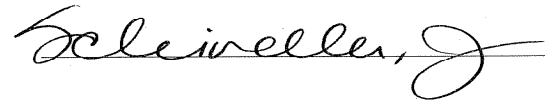
PER CURIAM. Dwayne Parks appeals his conviction for unlawful possession of a firearm, arguing in part that the court erred in denying his motion to suppress evidence found during a search incident to arrest. He contends, and the State concedes, that the search was unlawful under State v. Patton, 167 Wn.2d 379, 219 P.3d 651 (2009) (restricting vehicle searches under Washington constitution), and Arizona v. Gant, ___ U.S ___, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009) (restricting vehicle searches incident to arrest under fourth amendment), that the court erred in denying the motion to suppress, and that Parks' conviction must be reversed and the charge dismissed. In light of Patton, Gant, and State v. Afana, 169 Wn.2d 169, 233 P.3d 879 (2010) (declaring good faith exception incompatible with the state constitution), we accept the State's concession.

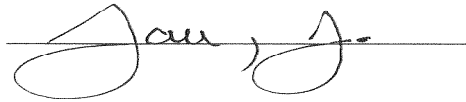
No. 63408-9-1/2

Reversed and dismissed.¹

For the court:

Handwritten signature of E. E. Eaton, Jr. in cursive script, written over a horizontal line.

Handwritten signature of S. C. Schieller, Jr. in cursive script, written over a horizontal line.

Handwritten signature of J. J. J. in cursive script, written over a horizontal line.

¹ Given this disposition, we need not address Parks' contention that the court erred in denying his motion for substitute counsel.