

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

STATE OF WASHINGTON,)	No. 65561-2-I
)	
Respondent,)	
)	
v.)	
)	
DEREK LEE WHITE,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: July 16, 2012
)	

Ellington, J. — Derek White appeals his two convictions for possession of controlled substances. Among other things, White contends the search of his car incident to his arrest and confinement in a patrol car violated his constitutional rights. We stayed White’s appeal because the issue he raised was pending before the Washington Supreme Court.

In the consolidated case of State v. Snapp and State v. Wright, the Supreme Court held that article I, section 7 of the Washington Constitution does not permit the warrantless search of a vehicle incident to arrest of a recent occupant who has been secured in the back of a patrol car even when it is reasonable to believe that evidence of the crime of arrest might be found in the vehicle.¹

¹ 174 Wn.2d 177, 197, 275 P.3d 289 (2012).

In supplemental briefing, the State concedes that the search of White's vehicle was unlawful under Snapp and the evidence must be suppressed. The concession is well taken. Because the evidence formed the sole basis for the two convictions for possession of a controlled substance, we reverse those convictions and remand for such proceedings as may be appropriate.²

Reversed and remanded.

Edmonton, J.

WE CONCUR:

Dwyer, J.

Becker, J.

² In light of this disposition, we do not reach White's remaining arguments.