

December 14, 2021

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

**DIVISION II**

In the Matter of the Personal Restraint of:

KIMONTI DENNIS CARTER,

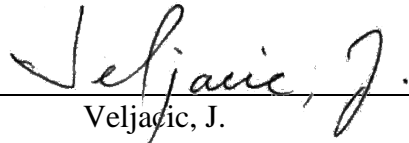
Petitioner.

No. 54619-1-II

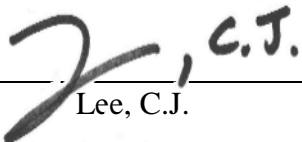
UNPUBLISHED OPINION

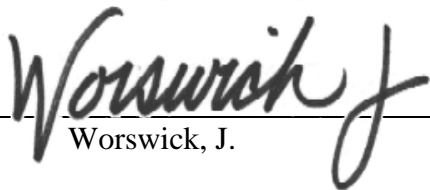
VELJACIC, J. — Kimonti Dennis Carter seeks relief from personal restraint imposed following his 1998 conviction for aggravated murder in the first degree, a crime he committed when he was 18 years old and for which he received a sentence of life imprisonment without the possibility of parole. He argues that under *Miller v. Alabama*, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012), and *In re Personal Restraint of Monschke*, 197 Wn.2d 305, 482 P.3d 276 (2021), his sentence is unconstitutional and that he is entitled to be resentenced so that the trial court can take into account his youthfulness at the time of his crime. While the State disputes whether Carter is entitled to resentencing under *Monschke*, arguing that his petition is time barred, it concedes that Carter is entitled to resentencing under *Miller*. Accordingly, we grant Carter’s petition and remand his judgment and sentence to the trial court for resentencing.

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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Veljadic, J.

We concur:

  
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Lee, C.J.

  
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Worswick, J.