

# Rights to Relief Under *State v. Blake*

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# What is *State v. Blake*?

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- A Washington State Supreme Court decision in 2021
- Supreme Court declared the state's simple drug possession law was unconstitutional, because the prosecutor previously did not have to prove the person intended to possess

## As a result:

- People convicted of drug possession going back to 1971 have a right to get those convictions **cleared (“vacated”)** and money paid related to those cases, i.e., paid legal financial obligations (LFOs) and other related costs **possibly refunded**

# Immigration & *State v. Blake*

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Not a US citizen?

LwC will make a referral to a free attorney to ensure that there are no negative immigration consequences.

# How do I know if I have a *Blake* conviction?

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- If you were you convicted in Washington State
- of simple drug possession\*
- between May 25, 1971 through February 25, 2021

*\*Does not include intent to deliver, delivery/distribution, or manufacturing*

*LwC navigators will help you figure this out.*

# What Does it Mean to Have a *Blake* Conviction?

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If you have a *Blake*-eligible conviction:

1. You are entitled to have that conviction cleared, i.e., “vacated”  
*and*
2. You may be entitled to a refund of related costs you paid.

# I have a *Blake* case, now what?

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1. LwC navigators will check court databases to see if your conviction has already been vacated.
2. *If not already vacated*, the next step depends on the county. Either:
  - Help you prepare the court forms requesting a vacate, using a web app at [WashingtonLawHelp.org](https://WashingtonLawHelp.org); OR
  - Help you get on the county court list for your case to be vacated; OR
  - Refer you to a free attorney in your county of conviction

# My *Blake* case has now been vacated, now what?

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*Once vacated*, you may have rights to three types of refunds of money you paid on that case:

1. Legal financial obligations (LFOs)
2. Other costs like drug treatment costs, etc. (“third-party expenses”)
3. DOC costs of supervision

# 1. Paid LFOs → *Blake* Refund Bureau

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Refund of legal financial obligations (LFOs) ordered by the sentencing court and paid to clerks' offices may\* be refunded by the *Blake* Refund Bureau

*\*eligibility for refund depends on the types of charges/counts*



# 1. Blake Refund Bureau Administrative Office of the Courts

<https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.blakerefundbureau>




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## BLAKE REFUND BUREAU


### Blake Refund Bureau

In 2021, the Washington State Supreme Court found the law criminalizing drug possession unconstitutional. As a result of this decision, known as [State v. Blake](#), any *Blake*-related convictions qualify to be removed (vacated) from one's criminal record, and any legal financial obligations (LFOs) paid as a result qualify for financial reimbursement.

If you have a *Blake*-impacted criminal record, you must first have your *Blake*-related convictions vacated and refund eligibility determined by the [Washington State county court or courts](#) where you were convicted. For information on vacating *Blake* convictions in county district or superior courts, visit the Washington State Office of Public Defense page [Vacate Drug Possession Convictions \(State v. Blake\)](#).


**Apply for your Refund**  
Once you've vacated your conviction and found your record online, you

#### HOW TO APPLY




Video is Temporarily Unavailable.

Please call 3 questions about you have any tion process.



#### IN THE NEWS



REFUNDING FINES & FEES

## 2. Third-Party Expenses → *Request to Court*

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Third-Party expenses are costs not paid to the court but others, including:

- Court-ordered drug treatment, home monitoring, private attorneys' fees, etc.
  - Receipts or other documentation required
  - LwC navigators will help prepare forms requesting the refund
  - Court must issue order granting your request
  - *Blake* Refund Bureau pays \$ out

### 3. DOC Refund of Costs of Supervision

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The Department of Corrections (DOC) is proactively refunding Cost of Supervision (COS) fees, paid by supervised individuals on causes vacated due to the *State v. Blake* decision.

A refund process has been developed to ensure due process for impacted individuals.

*Update your mailing address with DOC by emailing:*  
DOCBlakeCOS@doc1.wa.gov

# 3. Status of DOC processing of COS refunds

Slow and steady . . .

[https://www.doc.wa.gov/corrections/ju  
stice/sentencing/blake-refunds.htm](https://www.doc.wa.gov/corrections/ju<br/>stice/sentencing/blake-refunds.htm)

## State v. Blake Cost of Supervision (COS) Refund Project Status

Number of individuals with State v. Blake orders  
received:

**33,147**

Number of individuals with accounts reviewed:

**6,407**

Currently reviewing accounts with court orders initially  
received in:

**March 2022**

Data provided: 3/3/2025

# *Blake* - What Else?

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- Relevance for DOSA graduates
- Repayment of VA benefits where lost due to conviction

# *Blake* - What Else?

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- *Blake* refund deductions
  - Child support over \$50
  - Subject to DOC deductions
- Power of attorney for Incarcerated Individuals
- Washington State Patrol (WSP) Watch Report Update

# *State v. Blake*

## Peer-to-Peer Empowerment Hub



### HELPLINE // ELIGIBILITY CHECK

- Phone Helpline to a peer Legal Empowerment Navigator from 7am to 4pm
  - Email intake
- Help figure out if the caller has *Blake*-eligible convictions and if so, whether vacated or not
- Support caller in taking next steps



### TECH-BASED, PEER-TO-PEER NAVIGATION

- Legal Empowerment Navigators help those impacted walk through the *Blake* online guided interview at WashingtonLawHelp.org and file and serve motions by mail or in person.
- Keep the person informed of the process, outcomes, and next steps



### LEGAL REFERRAL SERVICES

- As requested or required, refer impacted individuals to contracted *Blake* attorneys, depending on the county of conviction, including referring people to sign up for assistance on defense websites, per their requests.



### COMMUNITY EDUCATION & ENGAGEMENT

- Create and update plain language legal resources about *Blake*
- Disseminate via social media and partners
- Convene community events to educate and engage impacted communities
- Capture and share success stories



### SYSTEMIC ADVOCACY

- Both attorney and formerly incarcerated team members participate in opportunities to advocate for reduced barriers and greater accessibility and inclusivity in *Blake*-related processes, including the new administrative vacate process.

← FEEDBACK →

# Thank you!!!

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LwC Helpline: 206-307-3028  
info@LivingwithConviction.org  
www.LivingwithConviction.org

*Blake Refund Bureau*  
360-704-1913