

1 4. Possession of Marijuana charges prosecuted in Seattle Municipal Court between 1996
2 and 2010 disproportionately impacted persons of color in general, and the African American
3 community in particular. Of the over 500 cases involved in this motion, the racial demographics
4 of defendants were: 3% Asian, 46% black, 46% white, 3% Native American, 2% unknown. The
5 Court makes no finding that these numbers are 100% accurate, or that individual defendants were
6 specifically impacted because of their race.
7

8 5. Because the evidence may differ for each of the 500-plus cases, the Court is unable to
9 make specific findings regarding: 1) whether the law as applied to any individual non-citizen
10 defendant was applied in an unconstitutional manner or, 2) the potential immigration impact of a
11 Possession of Marijuana conviction on any individual defendant.
12

13 6. The motion of the City Attorney has been filed *ex parte* pursuant to CrRLJ 5(a). The
14 motion is one of first impression in Seattle Municipal Court, and the Court is unaware of any
15 prosecutor having brought a similar motion in any other court on behalf of a class of defendants.
16

17 7. Given the unique nature of this motion and its potential to impact the rights of the
18 defendant, it is appropriate to send notice to defendant's last known address to afford defendant
19 with an opportunity to object or seek individualized findings.
20

21 **B. CONCLUSIONS OF LAW**

22 1. The City Attorney has standing to bring a motion to readdress the conviction for
23 Possession of Marijuana and dismiss the charge under CrRLJ 7.8(b) and CrRLJ 8.3(a).
24

25 2. Relief is warranted in the interests of justice under CrRLJ 7.8(b)(5).
26

27 3. CrRLJ 8.3(a) authorizes the City Attorney to move to dismiss a complaint in the
28 interests of justice.
29

1 4. The relief sought by the government does not conflict with the relief afforded to
2 defendants under RCW 9.96.060. It based on a motion by the City Attorney and not by the
3 defendant and, therefore, does not implicate RCW 9.96.060(h).

4 5. The motion by the City Attorney is properly brought *ex parte* pursuant to CRLJ 5(a).
5 However, because certain defendants may want individualized findings, notice of the motion by
6 the City Attorney should be mailed to the last known address.

7 6. Service shall be deemed complete after a notice has been mailed pursuant to CRLJ
8 5(b)(2)(i), regardless of whether or not the notice was returned as undeliverable.

9
10
11 **C. ORDER**

12 THEREFORE, IT IS HEREBY ORDERED:

13 1. The City Attorney shall conduct an address search pursuant to CrRLJ 2.2(a)(3)(i), and
14 provide the Court with a certification of defendant's last known address within 30 days of this
15 order.

16 2. The Court will send out a notice to defendant's last known address. Such notice will
17 inform the defendant of the City Attorney's motion, provide a copy of the Court's proposed
18 Findings of Fact, Conclusions of Law and Order, and provide a deadline for the defendant to
19 respond.
20

21 3. The Court will deem service complete on the 33rd day following the placing of the
22 notice in U.S. Mail.
23

24 4. The Court will enter the final order on all cases in which a defendant fails to respond
25 or the notice comes back as undeliverable.
26
27
28
29

1 5. The Court will schedule a motion's hearing on all cases in which a defendant files an
2 objection, requests individualized findings, or otherwise moves the Court for different relief.

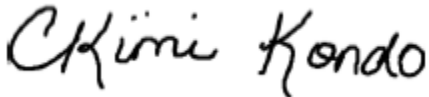
3 DATED this 11th day of September, 2018.

4
5 

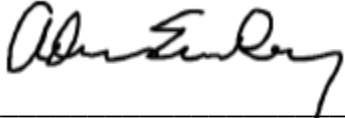
6
7 Judge Ed McKenna, Presiding

8 

9 Judge Willie Gregory, Asst. Presiding

10 

11
12 Judge C. Kimi Kondo

13 

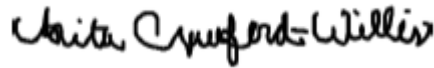
14
15 Judge Adam Eisenberg

16 

17
18 Judge Faye Chess

19 

20
21 Judge Damon Shadid

22 

23
24 Judge Anita Crawford-Willis