

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

JASON E. SLOTEMAKER	)	No. 78665-2
	)	
Appellant,	)	DIVISION ONE
	)	
v.	)	
	)	
THE STATE OF WASHINGTON,	)	
	)	UNPUBLISHED OPINION
Respondent.	)	
	)	FILED: July 15, 2019

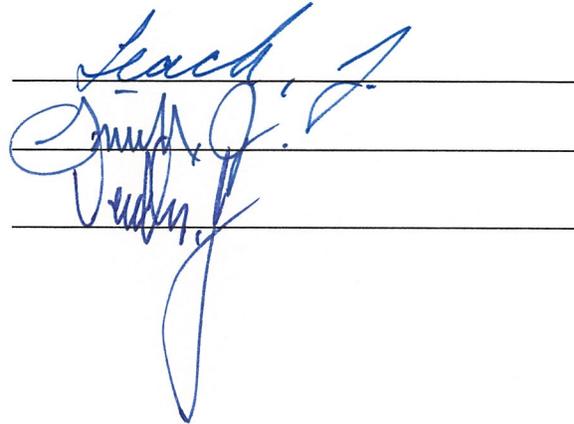
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PER CURIAM — Jason Slotemaker appeals his conviction for cyberstalking, arguing that the cyberstalking statute, RCW 9.61.260, is unconstitutionally overbroad under the Washington State and United States Constitutions. While his appeal was pending, the United States District Court for the Western District of Washington ruled that RCW 9.61.260(1)(b) is facially overbroad and violates the First and Fourteenth Amendments. Rynearson v. Ferguson, No. 3:17-cv-5531 (W.D. Wash. 2019). The district court permanently enjoined the attorney general and prosecuting attorney from enforcing the statute against Rynearson. Citing Rynearson, the State in this case concedes error, stating that it “no longer believes it appropriate to challenge this appeal” and requesting a “remand with directions to dismiss the conviction with prejudice.” Amici Curiae – American Civil Liberties Union of Washington, Electronic Frontier Foundation, and Washington Association of Criminal Defense Lawyers -- agree that the statute is unconstitutional and request a published opinion to provide guidance.

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We accept the State's concession, deny Amici's request for a published opinion, and reverse and remand for dismissal of the conviction with prejudice.

FOR THE COURT:



Leach J.