

FILED
SUPREME COURT
STATE OF WASHINGTON
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No. 94973-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

TYLER WATKINS

Appellant.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF
IN SUPPORT OF APPELLANT

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I. RELIEF REQUESTED

Pursuant to Rule of Appellate Procedure 10.6, Juvenile Law Center hereby moves for leave to file the attached *Amicus Curiae* Brief in support of Appellant. *Amici* respectfully submit this brief on the grounds that it would assist the Court in considering the important issues arising in this case concerning the unconstitutional transfer of youth from the juvenile justice to the adult criminal justice systems without appropriate procedural protections.

II. IDENTITY OF AMICI

Juvenile Law Center

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the foster care and justice systems. Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. Among other things, Juvenile Law Center works to ensure that children's rights to due process are protected at all stages of juvenile court proceedings, from arrest through disposition, from post-disposition through appeal, and that the juvenile and adult criminal justice systems consider the unique developmental differences between youth and adults in enforcing

these rights. Juvenile Law Center pays particular attention to the needs of children who come in contact with the juvenile or adult justice systems. Juvenile Law Center works to ensure that the constitutional rights of these children are upheld and that the justice system appropriately considers the distinctive characteristics of youth at every stage from arrest and diversion to sentencing and re-entry. Since its founding, Juvenile Law Center has represented hundreds of young people and filed influential *amicus* briefs in state and federal cases across the country.

Juvenile Law Center's work is guided by the view that children are different from adults and that these differences are vital and constitutionally relevant in analyzing issues like virtual life sentences for children.

American Civil Liberties Union of Washington (ACLU)

The American Civil Liberties Union of Washington is a statewide, nonpartisan, nonprofit organization of over 75,000 members and supporters, dedicated to the preservation of civil liberties, including the rights of juveniles charged with criminal offenses. The constitutional requirement of due process protected by the 5th and 14th Amendments of the United States Constitution and

Art. 1, sec. 3 of the Washington Constitution is a fundamental civil liberty. As part of due process, the ACLU-WA strongly supports consideration of individual circumstances and the exercise of judicial discretion in deciding whether youth should be subjected to adult court proceedings and sentences. The ACLU-WA has participated in numerous cases as amicus curiae or as counsel to parties on this and related issues.

Center for Children and Youth Justice (CCYJ)

The Center for Children & Youth Justice is a 501(c)(3) non-profit with a mission to improve – through systems reform – the outcomes of children and youth who enter the juvenile justice, child welfare, and related systems. CCYJ works to ensure that such systems are integrated, unbiased, fueled with innovative ideas, and backed by rules and programs proven to achieve the best outcomes for children, youth, and young adults. One of CCYJ’s programs provides free limited legal advice to and/or secures pro bono counsel for youth and young adults on a variety of civil legal issues, often related to the collateral consequences of criminal records. CCYJ has previously sought and received leave to file *amicus* briefing on issues related to the treatment of youth and young adults.

Columbia Legal Services (CLS)

Columbia Legal Services (CLS) is a non-profit law firm that represents low income Washingtonians on a variety of legal issues. Juvenile justice and sentencing reform are important priorities that CLS pursues on behalf of its clients. CLS has sought and received leave to file *amicus* briefs on similar issues in the past.

TeamChild

TeamChild is a nationally-recognized, nonprofit civil legal aid organization with offices in Pierce, Spokane, Yakima and King Counties. TeamChild's mission is to uphold the rights of youth involved or at risk of involvement in the juvenile justice system to help them secure the education, healthcare, housing, and other support they need to achieve positive outcomes in their lives. TeamChild draws on multiple strategies to advance this mission with an emphasis on direct civil legal representation and advocacy. TeamChild has represented many youth who have been impacted by the current automatic decline law. TeamChild has also participated as *amicus* in cases to advocate for access to justice for youth and children in Washington State and nationally, including advocacy for the elimination of laws and policies that fail to address the inherent

youthfulness and diminished culpability of youth who commit criminal offenses.

Washington Association of Criminal Defense Lawyers (WACDL)

The Washington Association of Criminal Defense Lawyers is a nonprofit association of more than 800 attorneys practicing criminal defense in Washington. As stated in its bylaws, WACDL's objectives include "to protect and insure by rule of law those individual rights guaranteed by the Washington and Federal Constitutions, and to resist all efforts to curtail such rights."

Washington Defender Association (WDA)

The Washington Defender Association is a non-profit association of over a 1400 public defenders, criminal defense attorneys, investigators, social workers and children's civil rights attorneys throughout the state of Washington. WDA and its members are committed to supporting and improving indigent defense and the lives of indigent defendants and their families. A primary purpose of WDA is to improve the administration of justice and stimulate efforts to remedy inadequacies in substantive and procedural law that contribute to injustice. For many years, WDA

has been actively involved in issues related to juvenile justice and juvenile representation in both juvenile and adult courts. WDA provides training for defenders working in the juvenile justice system and advocates for juvenile justice reform. WDA and its members have previously been granted leave to file amicus briefs on many issues related to criminal defense, representation of the indigent clients and the automatic decline of youth into the adult criminal justice system.

III. INTERESTS OF AMICI

Amici are unanimous in their conviction that children are different from adults in constitutionally relevant ways, including their decision-making abilities, susceptibility to external pressures, and their ability to foresee risks and consequences and that these differences must be considered when youth are transferred from the juvenile justice to the adult criminal justice systems.

IV. FAMILIARITY WITH ISSUES

Amici are committed to advocacy for children and many have extensive legal and practical experience in issues regarding the sentencing of youth in adult court, including transfer of youth from the juvenile to the criminal justice system. Counsel for *amici* have

reviewed the record and pleadings in this matter and are familiar with the facts and the legal issues in this case.

V. SPECIFIC ISSUES TO BE ADDRESSED

Amici support the appellant's position and urge the Court to find that Washington's automatic decline statute is unconstitutional.

VI. NEED FOR ADDITIONAL ARGUMENT

Amici's specific expertise and experience with the juvenile justice system, the constitutional rights of children, and the developmental characteristics of young adolescents will assist the Court in analyzing this case. For example, the Washington Supreme Court relied on some *amici* for relevant statistics and studies in *In re Dependency of A.K.*, 162 Wn.2d 632, 635, 174 P.3d 11 (2007) (Madsen, J. concurring). Some *amici* have also assisted this Court by filing *amicus* briefs in *State v. Houston-Sconiers*, 188 Wn.2d 1, 27, 391 P.3d 409 (2017). *Amici* here are in the unique position of being able to aid the Court with information pertaining to the unique characteristics of young adolescents and the relevance of these characteristics to juvenile sentencing.

VII. CONCLUSION

Amici request that the Court grant this motion and permit them to file the attached *Amicus Curiae* Brief in support of Appellant.

Respectfully Submitted,

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Transmittal Information

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