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IN THE COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

In re the Personal Restraint of
RAYMOND MAYFIELD WILLIAMS,
Petitioner.

AMICI CURIAE BRIEF OF JUVENILE LAW CENTER AND
TEAMCHILD IN SUPPORT OF PETITIONER RAYMOND
WILLIAMS

Kimberly Gordon, WSBA# 25401	Marsha L. Levick, PA Bar #22535
LAW OFFICES OF GORDON &	Karen U. Lindell, PA Bar #314260
SAUNDERS PPLC	Malik Pickett, PA Bar #318463
1000 2 nd Ave., Ste. 3140	JUVENILE LAW CENTER
Seattle, WA 98104	1800 JFK Blvd., Ste. 1900B
Tel: 206-340-6034	Philadelphia, PA 19103
kim@gordonsaunderslaw.com	Tel: (215) 625-0551
	mlevick@jlc.org

Counsel for *Amici Curiae*

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IDENTITY AND INTEREST OF *AMICI CURIAE*

The identity and interest of *amici curiae* are set forth in the accompanying Motion for Leave to File an *Amici Curiae* Brief.

INTRODUCTION

Raymond Williams is currently serving a life sentence without any possibility of parole, based on a robbery of an unoccupied house he committed at age sixteen. This harshest of available sanctions was imposed mandatorily; no judge had the opportunity to consider Mr. Williams's age, the abuse and neglect he suffered early in childhood, his mental health challenges and struggles with homelessness, the circumstances of his waiver of juvenile court jurisdiction, or his rehabilitative potential. Such a sentence flies in the face of more than a decade of juvenile sentencing jurisprudence from the Washington Supreme Court and the United States Supreme Court, violating both the categorical limits on juvenile life without parole and the mandate that sentencing courts have discretion to consider the mitigating qualities of youth. Accordingly, *amici curiae* respectfully request that this Court make clear that a juvenile offense cannot constitutionally serve as a predicate offense for a life without parole sentence under the Persistent Offender Accountability Act (the "POAA" or the "Act").

STATEMENT OF THE CASE

Amici curiae adopt the Statement of the Case as set forth by Petitioner.

ARGUMENT

I. THE POAA UNCONSTITUTIONALLY IMPOSES MANDATORY LIFE WITHOUT PAROLE BASED UPON A JUVNEILE OFFENSE

“[C]hildren are constitutionally different from adults for purposes of sentencing.” *Miller v. Alabama*, 567 U.S. 460, 471, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012). This fundamental principle, first articulated in *Roper v. Simmons*, is now deeply engrained in both the Washington Supreme Court’s and the U.S. Supreme Court’s sentencing jurisprudence. 543 U.S. 551, 569-70, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005); *see also Graham v. Florida*, 560 U.S. 48, 68, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010); *Miller*, 567 U.S. at 471-72; *Montgomery v. Louisiana*, 136 S. Ct. 718, 732-34, 193 L. Ed. 2d 718 (2016); *State v. Bassett*, 192 Wn.2d 67, 81, 428 P.3d 343 (2018); *State v. Houston-Sconiers*, 188 Wn.2d 1, 18-21, 391 P.3d 409 (2017); *State v. Gilbert*, 193 Wn.2d 169, 176, 438 P.3d 133 (2019). As “any parent knows”—and as well-established scientific research demonstrates—children have developmental characteristics that distinguish them from adults and that must be taken into account in sentencing. *See Miller*, 567 U.S. at 471 (quoting *Roper*, 543 U.S. at 569). The POAA uses a juvenile

offense as a predicate for imposing a mandatory life without parole sentence, subjecting juvenile offenders to the harshest adult sanction available under Washington law without any ability for a sentencing court to consider the mitigating characteristics of youth. The Act is therefore unconstitutional under both the Federal and Washington State Constitutions, and cannot be applied to individuals like Mr. Williams, who committed their first “strike” under the statute as a child.

A. Both The Federal And State Constitutions Prohibit Mandatory Life Without Parole For A Juvenile Offense

“Because juveniles have diminished culpability and greater prospects for reform,” the U.S. Supreme Court has repeatedly explained, “they are less deserving of the most severe punishments.” *Miller*, 567 U.S. at 471 (quoting *Graham*, 560 U.S. at 68). Certain punishments—including the death penalty and life without parole for nonhomicide offenses—are therefore categorically disproportionate under the Eighth Amendment when imposed on children. *See Graham*, 560 U.S. at 82 (striking down life without parole sentences for juveniles convicted of nonhomicide offenses); *Roper*, 543 U.S. at 578 (striking down the juvenile death penalty as unconstitutional). Life without the possibility of parole for homicide offenses, while not *per se* unconstitutional under the Federal Constitution,

is reserved for “the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.” *Montgomery*, 136 S. Ct. at 734.

In addition to these categorical limits, the U.S. Supreme Court in *Miller* highlighted another core principle of its juvenile sentencing jurisprudence: the need for individualized sentencing. Under *Miller*, before sentencing a child to life without parole, a sentencing court must conduct an individualized hearing and “take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.” *Miller*, 567 U.S. at 480, 489. Specifically, *Miller* required sentencing courts to consider (1) the youth’s chronological age and age-related characteristics, including “immaturity, impetuosity, and failure to appreciate risks and consequences,” (2) the juvenile’s “family and home environment that surrounds him,” (3) the circumstances of the offense, including the extent of participation in the criminal conduct, (4) the impact of familial and peer pressures, (5) the effect of the offender’s youth on his ability to navigate the criminal justice process, and (6) the possibility of rehabilitation. 567 U.S. at 477-78. Mandatory imposition of life without parole violates the Eighth Amendment even for homicide offenses, the Court held, because it “precludes consideration” of these factors and “prohibit[s] a sentencing authority from assessing whether the law’s

harshest term of imprisonment proportionately punishes a juvenile offender.” *Id.* at 474, 477-78.

The Washington Supreme Court has embraced these core principles and the developmental research that supports them, applying them in circumstances beyond those specifically addressed by the U.S. Supreme Court. In *State v. Ramos*, the Washington Supreme Court rejected the argument that *Miller* applies only to literal life without parole sentences, concluding that consideration of the mitigating characteristics of youth is also required when children face *de facto* life sentences. 187 Wn.2d 420, 437-38, 387 P.3d 650 (2017). Shortly thereafter, in *State v. Houston-Sconiers*, the Washington Supreme Court held that trial courts must consider mitigating qualities of youth at sentencing and have the discretion to impose any sentence below the otherwise applicable mandatory minimum. 188 Wn.2d at 21 (“In accordance with *Miller*, we hold that sentencing courts must have complete discretion to consider mitigating circumstances associated with the youth of any juvenile defendant, even in the adult criminal justice system, regardless of whether the juvenile is there following a decline hearing or not.”). Although *Houston-Sconiers* specifically involved a firearm enhancement statute, the Washington Supreme Court later clarified that any mandatory sentencing schemes that fail to take into account the diminished culpability of children are

constitutionally infirm. *Gilbert*, 193 Wn.2d at 175-76. The Washington Supreme Court has even extended these protections to individuals who have reached the age of 18, concluding that the mitigating characteristics of youth remain relevant during early adulthood and courts can consider them in sentencing. *State v. O'Dell*, 183 Wn.2d 680, 689, 358 P.3d 359 (2015) (en banc).

Further, the Washington Supreme Court has interpreted Washington's Constitution to provide even greater protection than the Eighth Amendment in the context of juvenile sentencing. *See Bassett*, 192 Wn.2d at 78 ("This court has 'repeated[ly] recogni[zed] that the Washington State Constitution's cruel punishment clause often provides greater protection than the Eighth Amendment.'" (alterations in original) (quoting *State v. Roberts*, 142 Wn.2d 471, 506, 14 P.3d 713 (2000) (en banc))). In *Bassett*, the Washington Supreme Court struck down the state's "Miller-fix" statute, which required a hearing to consider the *Miller* factors before a court could impose a life without parole sentence on a child, because the statute still allowed for the *possibility* that life without parole could be imposed. 192 Wn.2d at 72, 91. In conducting its analysis, the Washington Supreme Court found a clear national trend had emerged toward abandoning life without parole sentences for juveniles. *Id.* at 86-87, 90. Reiterating the categorical principle that "children are less criminally culpable than adults," the

Washington Supreme Court concluded that “the characteristics of youth do not support the penological goals of a life without parole sentence” under any circumstances. *Id.* at 90.

In short, applying the reasoning of *Roper* and its progeny, the Washington Supreme Court has rejected life without parole for juvenile offenders entirely, has mandated that sentencing courts have discretion to consider the mitigating characteristics of youth whenever a child is sentenced in adult court, and has firmly espoused the fundamental principle that “children warrant special protections in sentencing.” *Bassett*, 192 Wn.2d at 81.

B. Using A Juvenile Offense As The Predicate For A Mandatory Life Without Parole Sentence Violates This Precedent

The POAA conflicts with this line of precedent in at least three different respects. First, the statute imposes life without parole based upon a juvenile nonhomicide offense, in direct violation of *Miller*, *Graham*, and *Bassett*. Under the plain language of the POAA, any conviction for an offense designated as a “most serious offense” received in adult criminal court is considered a strike offense.¹ RCWA 9.94A.030(34), (37). Although

¹ The POAA defines “most serious offense” as a felony or felony attempt to commit any of the specified felony offenses, which include, among other offenses: any class A felony, any sexually motivated class B felony, second degree assault including that of a child, second degree child molestation, controlled substance homicide, first degree extortion, incest against a child under age fourteen, indecent liberties, second degree kidnapping,

adjudications in juvenile court do not count as strikes, an offense committed by a child can be considered a strike if the child is tried as an adult. RCWA 9.94A.030(34). *See also State v. Saenz*, 175 Wn.2d 167, 175, 283 P.3d 1094 (2012) (en banc). Any individual who receives three strike offenses is labeled a “persistent offender” and must be sentenced to life without the possibility of parole. RCWA 9.94A.030(37); RCWA 9.94A.570. The POAA thus imposes mandatory life without parole based on juvenile conduct, violating the U.S. Supreme Court’s holdings that such a sentence is limited to those youth who have committed homicide *and* whose crime reflects permanent incorrigibility, *see Montgomery*, 136 S. Ct. at 734, as well as the Washington Supreme Court’s holding that life without parole is categorically disproportionate under the Washington Constitution when applied to juvenile conduct, *see Bassett*, 192 Wn.2d at 90-91.

This constitutional defect is not cured because some of the strikes may have occurred when the individual was over the age of 18. Even when, as here, the second and third strikes took place during adulthood, the initial offense is a necessary predicate to the imposition of the life without parole sentence. The POAA requires three convictions before characterization as

leading organized crime, first degree manslaughter, first degree promoting prostitution, third degree rape, sexual exploitation, vehicular assault, vehicular homicide, any other class B felony offense with a finding of sexual motivation, and any other felony with a deadly weapon. *See* RCWA 9.94A.030(32).

a persistent offender, meaning that the first and second strike offenses—not just the final offense—also serve as the basis for the ultimate sentence. *See State v. Rivers*, 129 Wn.2d 697, 714, 921 P.2d 495 (1996) (en banc) (“The offenses which are the basis for the convictions and sentence in this appeal are serious, violent offenses.”); *see also State v. Manussier*, 129 Wn.2d 652, 677, 921 P.2d 473 (1996) (en banc) (considering “[e]ach of the offenses underlying his conviction as a ‘persistent offender’” and noting that “[h]is two prior convictions . . . were based upon facts which represented a particularly significant risk of danger to others” (emphasis added)). Indeed, the State acknowledges this fact in its brief, stating that a mandatory life sentence imposed under the POAA is “based not merely on that person’s most recent offense,” but also on the other conduct for which he has been convicted and sentenced. (State’s Brief, page 16.) Put simply, under the POAA, individuals like Mr. Williams would not be eligible for a life without parole sentence *but for* an offense they committed as a child, directly contradicting the Washington Supreme Court’s holding that juvenile conduct is categorically *ineligible* for such a sentence. *See Bassett*, 192 Wn.2d at 90-91.

Second, the life without parole sentence imposed under the POAA is *mandatory*, violating the individualized sentencing requirements of *Miller* and *Gilbert*. *Miller* squarely held that life without parole cannot be imposed

unless the sentencing court conducts an individualized hearing to consider a child’s diminished culpability. *Miller*, 567 U.S. at 465, 477. The Washington Supreme Court expanded upon that rule in *Houston-Sconiers* and *Gilbert*, striking down *all* mandatory sentencing schemes for children because they fail to allow for judicial discretion to consider the mitigating qualities of youth. *Houston-Sconiers*, 188 Wn.2d at 21; *Gilbert*, 193 Wn.2d at 175 (“[S]entencing courts possess this discretion to consider downward sentences for juvenile offenders regardless of any sentencing provision to the contrary.”). The sentencing scheme in the POAA does not permit any individualized consideration of the mitigating qualities of youth before imposing life without the possibility of parole—the sentence is automatic. Under the plain terms of the Act, the sentencing court has no ability “to treat children differently, with discretion,” as required by the Eighth Amendment.² *See Houston-Sconiers*, 188 Wn.2d at 20.

Finally, the POAA does not differentiate between children and adults when imposing life without parole sentences; an individual who received

² Earlier opportunities to consider the mitigating characteristics of youth, such as a transfer hearing or the initial sentencing for the juvenile offense, cannot substitute for a sentencing court’s discretion before imposing life without parole. With regard to transfer, the Washington Supreme Court made clear in *Houston-Sconiers* that “the Eighth Amendment requires trial courts to exercise [] discretion” at sentencing, regardless of “whether the transfer to adult court is discretionary or mandatory.” 188 Wn.2d at 19. And even if a sentencing court considered age-related characteristics when imposing the initial sentence for the juvenile offense, that sentence is irrelevant under the POAA, which looks only to the fact of conviction when determining whether an individual meets the criteria for a “persistent offender.” *See* RCWA 9.94A.030(37).

three strikes for conduct engaged in as an adult receives the same sentence as an individual who received three strikes for conduct engaged in as a child. RCWA 9.94A.030(34), 9.94A.030(37), 9.94A.570. By categorically equating children and adults when imposing the harshest sanction available under state law, the POAA violates the “foundational principle” of *Miller*, *Graham*, and *Roper*: “that imposition of a State’s most severe penalties on juvenile offenders cannot proceed as though they were not children.” *Miller*, 567 U.S. at 474. Indeed, “[o]ur history is replete with laws and judicial recognition’ that children cannot be viewed simply as miniature adults,” and the “law relating to society’s harshest punishments” must recognize this distinction. *Id.* at 481 (alteration in original) (quoting *J.D.B. v. North Carolina*, 564 U.S. 261, 274, 131 S. Ct. 2394, 180 L. Ed. 2d 310 (2011); *see also Graham*, 560 U.S. at 76 (“An offender’s age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants’ youthfulness into account at all would be flawed.”)). The POAA imposes life without parole on *any* person who has received three strikes, ignoring the distinction between children and adults that has long been recognized to have constitutional significance.

II. MR. WILLIAMS’S CASE EXEMPLIFIES WHY INCLUSION OF A JUVENILE OFFENSE UNDER POAA VIOLATES THE FEDERAL AND STATE CONSTITUTIONS

The circumstances of Mr. Williams’s case are emblematic of why children are entitled to special constitutional protections. Indeed, several of the so-called *Miller* factors—including the youth’s demonstrated “immaturity, impetuosity, and failure to appreciate risks and consequences,” the “family and home environment that surrounds him,” and the effect of the offender’s youth on his ability to navigate the criminal justice process—are directly relevant to Mr. Williams’s situation and reveal how his mandatory life without parole sentence violates the core tenets of the U.S. Supreme Court’s and the Washington Supreme Court’s juvenile sentencing jurisprudence. *See* 567 U.S. at 477-78. Further, since his incarceration, Mr. Williams has embodied the rehabilitative ideal underpinning *Roper* and its progeny. The particular facts of this case further reinforce that juvenile conduct cannot constitutionally serve as the predicate offense for a mandatory life without parole sentence.

A. Mr. Williams Experienced A Childhood Marked By Abuse And Neglect

Mr. Williams’s childhood shares many of the characteristics that the *Miller* Court reasoned would have bearing on the applicability of a life without parole sentence. 567 U.S. at 477-78. As the U.S. Supreme Court

noted in *Miller*, children are more vulnerable and susceptible to “negative influences and outside pressures” exerted by family and peers, and have limited control over their home environment, “lack[ing] the ability to extricate themselves from horrific, crime-producing settings.” *Id.* at 471 (quoting *Roper*, 543 U.S. at 569). Applying these factors to the petitioners in *Miller*, the Court highlighted that one of them had been “immers[ed] in violence” through his family background because his mother and grandmother had both “shot other individuals.” *Id.* at 478; the other had a “pathological background” that “might have contributed” to his commission of the crime because his “stepfather physically abused him; his alcoholic and drug-addicted mother neglected him; he had been in and out of foster care as a result; and he had tried to kill himself four times, the first when he should have been in kindergarten.” *Id.* at 478-79. As the Court found, these factual circumstances rendered them less culpable than adult offenders. *Id.*

Mr. Williams’s unstable upbringing shares much in common with the petitioners in *Miller*. Mr. Williams’s father was incarcerated during most of his childhood, and his mother consistently struggled with substance abuse and addiction. (Williams Decl. ¶3, Appendix H-1 to PRP); *Miller*, 567 U.S. at 467. Mr. Williams also suffered abuse at his home; in fact, conditions became so bad that he had already attempted to run away by the age of nine. (Williams Decl. ¶3.) Due to his lack of parental care and the

presence of abuse, Mr. Williams was eventually taken into state custody, but the foster families he was placed with only perpetuated the abuse that he had already endured. (Williams Decl. ¶4.) Unable to control the home environments in which he found himself, Mr. Williams tried to escape his abuse by running away, leading to homelessness. (Williams Decl. ¶10.) By the time of his first “strike” offense at age sixteen—a burglary charge where he entered a home to steal firearms after observing the residents leave on a camping trip—Mr. Williams had been on the streets since middle school, with no parental guidance or individuals to care for him and minimal education. (Williams Decl. ¶¶ 5, 10.) He struggled with mental illness and substance abuse, and had already received treatment in three mental health facilities—the third based on a prescription pill overdose in a suicide attempt. (Williams Decl. ¶¶ 2, 6, 8.) Like with the petitioners in *Miller*, these circumstances of Mr. Williams’s background and home environment demonstrate his diminished culpability and reinforce the disproportionality of imposing life without parole based, even in part, on his juvenile conduct.

B. Mr. Williams Demonstrated Age-related Immaturity And Failure To Appreciate Risks And Consequences Leading Up To And During His Juvenile Offense

Mr. Williams also demonstrated the recklessness and immature judgment that characterize adolescence during the period leading up to his juvenile strike offense. Since its decision in *Roper*, the U.S. Supreme Court

has recognized that the hallmark characteristics of youth include a “‘lack of maturity and an underdeveloped sense of responsibility,’ leading to recklessness, impulsivity, and heedless risk-taking,” which contribute to a child’s diminished culpability. *Miller*, 567 U.S. at 471 (quoting *Roper*, 543 U.S. at 569.) Mr. Williams exhibited this reckless and impulsive behavior when he ran away from both his parental and foster homes; focused primarily on fleeing his abuse, he failed to appreciate the consequences and struggles that he would experience living on the street with limited education. (Williams Decl. ¶¶ 3, 10.) While homeless, Mr. Williams continued to exhibit immature judgment, using drugs and engaging in criminal activity to survive. (Williams Decl. ¶2.)

C. Mr. Williams’s Waiver Of Juvenile Court Jurisdiction Illustrates His Inability To Navigate The Criminal Justice Process

Mr. Williams continued to demonstrate adolescent immaturity throughout the legal proceedings for his first strike offense. The U.S. Supreme Court has long recognized the difficulty children face in navigating the criminal justice system, finding that the “most informal and well-intentioned of judicial proceedings are technical; few adults without legal training can influence or even understand them; certainly children cannot.” *In re Gault*, 387 U.S. 1, 38 n.65, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967). Children have such difficulty navigating the system in part because

they “mistrust adults and have limited understandings of the criminal justice system and the roles of the institutional actors within it,” and “are less likely than adults to work effectively with their lawyers to aid in their defense.” *Graham*, 560 U.S. at 78; Kristin Henning, *Loyalty, Paternalism, and Rights: Client Counseling Theory and the Role of Child's Counsel in Delinquency Cases*, 81 NOTRE DAME L. REV. 245, 272-73 (2005). The difficulties children face in navigating the criminal justice system may cause them to receive harsher sentences, making them relevant to the individualized sentencing determinations mandated by *Miller*, 567 U.S. at 465, 477-478.

The circumstances surrounding Mr. Williams’s waiver of juvenile court jurisdiction offer a textbook example of these difficulties and other “incompetencies associated with youth.” *See Miller*, 567 U.S. at 477-78. In Washington, a child can only waive juvenile court jurisdiction and a decline hearing if he makes an “intelligent” and “express” waiver after being fully informed of the right being waived. *Saenz*, 175 Wn.2d at 175 (citing Former RCW 13.40.140(9) (1981)). Even if there is an express waiver, the juvenile court must make findings in the record that transfer to adult court is in the best interest of the juvenile or the public. Former RCWA 13.40.110(2), (3) (1997). Here, neither of these procedural protections were fulfilled. There was no evidence that Mr. Williams’s attorney ever informed him of the

significant protections he was foregoing by waiving juvenile court jurisdiction. (Williams Decl. ¶13.) Nor was Mr. Williams ever informed that juvenile adjudications are not generally considered to be crimes and do not count as strikes. (Williams Decl. ¶13.) Furthermore, the juvenile court did not provide any analysis or specific findings as to why the transfer to adult court was in either Mr. Williams's or the public's best interest. (*See* Order to Decline Raymond Williams to Adult Court Jurisdiction, Cause No. 97-8-00601, Appendix B-49 to PRP). In short, Mr. Williams received none of the safeguards required to ensure that his interests were protected during his transfer process.

Moreover, at the time of Mr. Williams's decline hearing, he was desperate to leave the Thurston County Juvenile Detention Center where he was detained. (Williams Decl. ¶13.) At that facility, Mr. Williams had been abused by staff members and spent several weeks in a cell with no sink or toilet except for a small hole in the ground, the place where, as he vividly recalls—"and forever will"—he "had to mush [his] own feces through the grate with little squares of toilet paper, being careful to not get any on [his] hands as there was no access to a sink with which to wash." (*Id.*) Mr. Williams was told that if he waived his decline hearing, he would be transferred from the facility. (*Id.*) Unable to appreciate the long term consequences of being sentenced in adult court, and singularly focused on

the short-term goal of trying to escape the abusive and inhumane conditions he was facing at the Thurston County Juvenile Center, he agreed to waive juvenile court jurisdiction. (Williams Decl. ¶¶ 13, 14.)

That decision proved devastating. As the U.S. Supreme Court has long recognized, “waiver of [juvenile court] jurisdiction is a ‘critically important’ action determining vitally important statutory rights of the juvenile.” *Kent v. United States*, 383 U.S. 541, 556, 86 S. Ct. 1045, 16 L. Ed. 2d 84 (1966). Had Mr. Williams been adjudicated in juvenile court, his offense would not have counted as a strike, and he would not be serving life without parole for his latest offense. RCWA 9.94A.030(34). Yet no court had the opportunity to consider these critically important facts—which further reveal the constitutional flaws in the POAA’s use of juvenile conduct as a strike offense—before sentencing him to spend the rest of his life in prison.

D. Mr. Williams Has Demonstrated Growth, Maturity, And Rehabilitation

Finally, Mr. Williams has demonstrated the capacity for rehabilitation and change that defines adolescence and which undergirds all of the Washington Supreme Court’s and the U.S. Supreme Court’s juvenile sentencing cases. As *Miller* highlighted, life without parole reflects “an irrevocable judgment about [an offender’s] value and place in society,”

which the Court found was antithetical to a child's capacity for change and rehabilitation. *Miller*, 567 U.S. at 473 (alteration in original) (quoting *Graham*, 560 U.S. at 74). While incarcerated, Mr. Williams has become a role model and mentor to other inmates. He has been active in numerous organizations, including the State Raised Working Group, dedicated to addressing disproportionate representation of foster youth within the criminal justice system, and the Sustainable Practices Lab, which provided jobs to the prison population and donated bicycles, wheelchairs, quilts, teddy bears, clothing, and woodworks to the local community. (Williams Decl. ¶¶ 20, 22.) Since 2017, Mr. Williams has served in a leadership capacity for the Concerned Lifer's Organization dedicated to sentencing reform in Washington State, through which he has testified to the Senate Human Services, Reentry and Rehabilitation Committee and was selected to meet with a delegation from Japan to discuss that country's transition away from the death penalty. (Williams Decl. ¶¶ 26, 27.) This year, Mr. Williams expects to earn his Associate's degree. (Williams Decl. ¶18.)

In short, far from being “the rarest of juvenile offenders . . . whose crimes reflect permanent incorrigibility,” *Montgomery*, 136 S. Ct. at 734, Mr. Williams exemplifies the rehabilitative ideal reflected in the

Washington Supreme Court's repeated conclusion that "children warrant special protections in sentencing." *Bassett*, 192 Wn.2d at 81.

CONCLUSION

The POAA's sentencing scheme runs afoul of federal and state juvenile sentencing jurisprudence because it imposes mandatory life without parole based on a juvenile offense. *Amici curiae* respectfully request that this Court find Mr. Williams's life without parole sentence unconstitutional and remand the case for resentencing.

Respectfully Submitted,

/s/Marsha L. Levick

Marsha Levick, PA Bar # 22535
Karen U. Lindell, PA Bar #314260
Malik Pickett, PA Bar #318463
JUVENILE LAW CENTER
1800 JFK Blvd., Ste. 1900B
Philadelphia, PA 19103
Tel: (215) 625-0551
Fax: (215) 625-2808
mlevick@jlc.org

s/ Kimberly Gordon

Kimberly Gordon, WSBA# 25401
LAW OFFICES OF GORDON &
SAUNDERS PPLC
1000 2nd Ave., Ste. 3140
Seattle, WA 98104
Tel: 206-340-6034
kim@gordonsaunderslaw.com

Counsel for Amici Curiae

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JUVENILE LAW CENTER

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- jstarr@perkinscoie.com
- kim@gordonsaunderslaw.com
- leeme@seattleu.edu
- levinje@seattleu.edu
- lmcaleer@perkinscoie.com
- mlevick@jlc.org
- talner@aclu-wa.org
- tfaith@jlc.org
- uconnelly@perkinscoie.com

Comments:

Sender Name: Marsha Levick - Email: mlevick@jlc.org
Address:
1800 JFK Blvd.
Ste. 1900B
Philadelphia, PA, 19103
Phone: (215) 625-0551

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