

FILED
SUPREME COURT
STATE OF WASHINGTON
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IN THE SUPREME COURT
FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. D.L., Petitioner.	NO. 96143-3 Respondent's Supplemental Brief on <u>State v. B.O.J.</u> , No. 95542-5
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In State v. B.O.J., 194 Wn.2d 314, 449 P.3d 1006 (2019), this Court reached two conclusions relevant here: (1) once a juvenile completes a manifest injustice sentence, any further review is moot; and (2) in future cases, “treatment needs [are] not an appropriate basis for imposing a manifest injustice disposition.” B.O.J., 194 Wn.2d at 330. The Court accepted review in B.O.J. because “whether the need for treatment may support a juvenile court’s

manifest injustice finding is a matter of continuing and substantial public interest that merits our review.” B.O.J., 194 Wn.2d at 321–22.

Petitioner D.L.’s case is moot – he has fulfilled his manifest injustice sentence and is not subject to community supervision. (State’s Supplemental Brief on Mootness, filed October 5, 2018). And the Court in B.O.J. has addressed the legal issues regarding the appropriate grounds for imposing manifest injustice sentences. Even if this Court concludes that the juvenile court erred in D.L.’s case, which the State does not concede, there is no relief the Court could grant. D.L.’s case is over.

Finally, there are no legal issues in D.L.’s case that merit further Supreme Court review. In B.O.J., this Court established the legal framework for imposing and reviewing manifest injustice sentences. Future cases will give Washington courts ample opportunity to apply, develop and refine the legal standards. It makes no sense to address these practical decisions in the abstract with a moot case. Petitioner may be able to identify a factor in his case that differs from that in B.O.J., but that alone is not “a matter of continuing and substantial public interest” that merits Supreme Court review. B.O.J., 194 Wn.2d at 322.

The State of Washington respectfully requests this Court to dismiss Petitioner D.L.’s Motion for Discretionary Review as moot.

This Court has already decided the significant legal issues presented in his case, and this Court can no longer provide effective relief.

DATED THIS 10 day of January, 2020.

BURI FUNSTON MUMFORD & FURLONG

By 

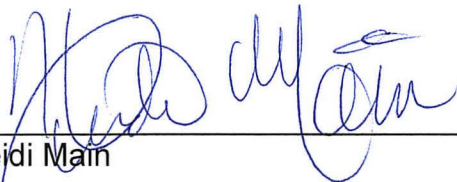
Philip Buri, WSBA # 17637
Special Deputy Prosecutor

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington, that on the date stated below, I mailed or caused delivery of **Respondent's Supplemental Brief on State v. B.O.J.** to:

Washington Appellate Project
Attn: Kate Benward
1511 Third Ave., Ste. 701
Seattle, WA 98101

DATED this 10th day of January, 2020.


Heidi Main

BURI FUNSTON MUMFORD, PLLC

January 10, 2020 - 12:04 PM

Transmittal Information

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