

FILED
SUPREME COURT
STATE OF WASHINGTON
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SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint of

RAYMOND MAYFIELD
WILLIAMS,

Petitioner.

No. 98858-7

**JOINDER OF *AMICI CURIAE*
THE AMERICAN CIVIL
LIBERTIES UNION OF
WASHINGTON, THE
WASHINGTON DEFENDER
ASSOCIATION, THE
WASHINGTON
ASSOCIATION OF
CRIMINAL DEFENSE
LAWYERS, AND THE
JUVENILE LAW CENTER IN
SUPPORT OF PETITIONER'S
MOTION TO TRANSFER
PURSUANT TO RAP 4.4**

I. INTRODUCTION

The American Civil Liberties Union (“ACLU”) of Washington, the Washington Defender Association (“WDA”), the Washington Association of Criminal Defense Lawyers (“WACDL”), and the Juvenile Law Center (“JLC”) join Petitioner Raymond Mayfield Williams’ Motion to Transfer his personal restraint petition (“PRP”) to this Court pursuant to RAP 4.4.

I. IDENTITY AND INTERESTS OF MOVING PARTY

The Division II appellate court granted the ACLU, WDA, WACDL, and JLC permission to file an amicus curie brief in this matter.

II. STATEMENT OF RELIEF SOUGHT

Amici curiae support Mr. Williams’ request that this Court exercise its authority under RAP 4.4 to transfer his PRP from Division II for consideration and decision by this Court given the importance of the constitutional issues raised therein.

III. GROUNDS FOR RELIEF

Amici curiae join in Mr. Williams’ motion to transfer for the reasons stated therein.

Mr. Williams is serving a life without parole sentence under the Persistent Offender Accountability Act (POAA). Because his sentence was imposed, in part, based on a strike offense committed when he was

16-years-old, he filed a PRP in Division II of the Court of Appeals requesting a declaration that his sentence is unconstitutional.

RAP 4.4 permits this Court to transfer a case from the Court of Appeals “on motion of a party” if such a transfer would “promote the orderly administration of justice.” RAP 4.4. *Amici curiae* agree with the compelling reasons identified by Mr. Williams in his motion to transfer his PRP to this Court.

Importantly, Mr. Williams’ PRP raises a crucial constitutional issue left open by the Court in *State v. Moretti*, 193 Wn.2d 809, ¶ 22 n.5, 446 P.3d 609 (2019) — whether the POAA is unconstitutional under article I, section 14, when life without parole is imposed based on a strike offense committed as a child. This issue is both pressing and significant, not only for Mr. Williams, but for an entire class of people currently serving life sentences based on crimes committed as children. As stressed in the ACLU’s amicus brief, the impact of the punishments meted out by the POAA has disproportionately punished people of color, making this case also one about fighting racial inequities within our state’s legal system.

By allowing the Supreme Court to hear this issue in the first instance rather than waiting for Mr. Williams’ case to progress through the appellate process, those serving life sentences for strikes committed as

juveniles will receive a level of certainty as to the constitutionality of their sentences more quickly and efficiently, especially given the caseloads that are putting an inordinate strain on our judicial systems under pandemic circumstances. Through no fault of their own, all the courts are experiencing longer case processing times as the courts work hard to keep its staff safe and address first the most pressing, emergency matters.

In short, transfer of Mr. Williams' case to this Court will not only promote the orderly administration of justice, but also resolve a vital issue that has widespread implications for the fair and equitable administration of justice in Washington State.

IV. RELIEF REQUESTED

Amici curiae respectfully request that this Court grant Mr. Williams' motion to transfer his case from the Court of Appeals and set the case for argument.

DATED: August 17, 2020

PERKINS COIE LLP

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CERTIFICATE OF SERVICE

Today I caused to be filed, electronically, the foregoing document via the Washington State Appellate Courts' Secure Portal, which will automatically cause such filing to be served on counsel for all other parties in this matter via the Court's e-filing platform.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: August 17, 2020 2020, at Seattle, Washington.



June Starr

PERKINS COIE LLP

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Transmittal Information

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