Declaration of SCAN/Mail (a)

I Carl Brooks 259045 declare under penalty of Perjury by the laws of the State of Washington I served and scanned the following:

Brooks' RAP 10.10 statement of Additional Grounds TO RAP 13.7(d) SuPPlemented Brief; APPendixes 1-10; and Declaration of Scanned mail & U.S. First Class Mail - upon -

Clerk, state Supreme Court, and
PO Box 40929
Olympia, WA 98504,

Alex A Kostin
Office of Attorney General
1125 Washington St. SE
Olympia, WA 98501

Gregory Link WSBA 25228
Wash. Appellate Project
1511 3rd Ave. Suite 610
Seattle, WA 98101

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Carl Brooks Dated: 10-CT-2020
Declarant

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No. 97689-9

SUPREME COURT STATE OF WASHINGTON

No. 79757-3-I

PERS. RESTRAINT PETITION OF:

CARL ALONZO BROOKS, PRO SE
PETITIONER.

BROOKS' STATEMENT OF ADDITIONAL GROUNDS RAP 10.10 FOR RAP 13.7(d)

SUPPLEMENTAL BRIEF TO MOTION FOR DISCRETIONARY REVIEW

No. 97689-9

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Motion Discretionary Review

SUPREME COURT STATE OF WASHINGTON
NO. 97689-9

In re: Pers. Restraint of:	PRP. No. 79757-3-I
Carl Alonzo Brooks, Petitioner Pro Se	Pro Se Supplemented Brief RAP 13.7(d)

PURSUANT RAP 10.10 A PRO SE Petitioner Can File STATEMENT OF Additional Grounds on A RAP 13.7(d) Supplemental Brief for November 10, 2020 Hearing.

II. STATEMENT OF FACTS

1. on July 8, 2020 this state high Court Granted my (Brooks) Motion for Discretionary REVIEW to Brooks PRP. No. 79757-3-I;

2. On September 11, 2020 appointed Washington Appellate Counsel Gregory C. Link WSBA 25228 Filed 19-pages Supplemental Brief; Court Record.

3. On September 11, 2020 Respondent Indeterminate Sentence Review Board (Successor to Bd. Prison Terms & Paroles) also filed a Supplemental Brief. CR

III. ISSUES

1. Did our state legislatures 2001 2nd Sp. S. Ch. 12, sect 501 REPEAL of 1997 Ch. 351 sect. 1 & RCW 9.95.011 violate State and Federal Constitutions against enacting arbitrary, IRRational and unreasonable Civil Commitment Punishments against Pre-SRA Indeterminate Criminal Sentences?

2. Did appointed appellate Counsel's failure to Investigate My (Brooks) August 23rd 2020 0855 hours voicemails (times 3) deprive me (Brooks) of substantive Equal Protection, EX Post facto & separation of Powers RAP 13.7(d) Supplemental arguments?

3. Did the legislative 2001 2nd SP. S. ch. 12 Sect. 501 REPeal

of 1997 ch. 351, Sect. 1 & RCW 9.95.011 Create a Protected Substantive Liberty Interest in Brooks being transferred back to Superior Court for Resentencing under the SRA of 1981 Chapter 9.94A. RCW?

IV. HISTORY

1. On July 8, 2020 this state high Court Granted November 10 2020 REVIEW on my (Brooks) Pro se Motion for DISCRETIONARY REVIEW No. 97689-9 of Court of Appeals Division One Dismissal of PRP. No. 79757-3-I,

2. Appointed Washington Appellate Counsel with authority to file RAP 13.7(d) Supplemental Brief within 30-days, which Counsel filed on September 11, 2020. SEE APPENDIX 1 and APPENDIX 2.

V. ARGUMENT

1. Because appellate counsel neglected to investigate ~~this~~ (Brooks) August 8th and 23rd 2020 VOICE-Mails therefore this RAP 10.10[10]

Pro se Statement of Additional (Substantive Liberty Interests) Grounds is hereby argued. SEE Appendix 3 and Appendix 4;

2. By State's Legislatures 1997 Laws under Chapter 351 and section 1 the RCW 9.95.0011 held that on June 30th 2008 Indeterminate Sentence Review Board (ISRB) shall Cease to exist and ISRB Powers, duties and functions with respect to persons Convicted of Crimes Committed before July 1, 1984 shall be transferred to the superior courts; SEE Appendix 4, at P 1; and,

3. Before the ISRB goto my (Brooks) section 9.95.0011 transfer to Superior Court Case, by 2001 Laws second special session Chapter 12 section 501 the state legislature arbitrarily, irrationally and unreasonably Repealed its 1997 Law section 9.95.0011 and enacted a new amended law

Title "An Act," Relating to Management of Sex offenders in the Civil Commitment and Criminal Systems. SEE State v. Whitaker, 2014 Wash. APP. LEXIS 1635 (2014) Citing S.B. 6151, 57th Leg. 2nd Sp. S. And,

4. the excessive Fines Clause of the Eighth Amendment is incorporated by the Due Process Clause of the fourteenth Amendment. Under Excessive Fines Clause, Civil Penalties may Not be grossly disproportionate to the gravity of a defendant's offense. SEE State v. Living Essentials LLC, 8 Wn. App.2d 1, 436 P.3d 863 at 875 (2018) Citing Timbs v. Indiana —U.S.—, 139 S.Ct. 682, at 687, 203 LEd2d 11 (2019); and,

5. Legislatures as well as the Courts are bound by the Provisions of the fourteenth Amendment, and Courts will overturn a legislative determination of a factual question if the Legislatures finding is so Clearly wrong that it may be

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No. 97689-9

Characterized as arbitrary, irrational, or unreasonable. SEE OREGON v. Mitchell, 400 U.S. 112, 246, 248, 27 LEd2d 272 (1970); and,

6. It is said that the Equal Protection Clause of the fourteenth Amendment forbids a state from arbitrarily discriminating among different Classes of persons. A state enactment may be struck down if it cannot be justified as founded upon a rational basis, and a broader equal protection standard applies in cases where fundamental rights and liberties are threatened. SEE Graham v. Richardson, 403 U.S. 365, 371-72, 29 LEd2d 534, 91 Sct. 1848 (1971); and

7. See also, Andersen v. King County, 158 Wn.2d 1, 19, 138 P.3d 963 (2006) explaining the class must have suffered a history of discrimination, have an obvious, immutable trait that bears no relation to ability to perform or contribute to society

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and show it is a Powerless, Politically Powerless Class, and,

8. The Rule is that Strict Scrutiny test applies whenever a legislative classification involves a fundamental liberty or right or Suspect Class. Andersen, supra,

9. This state high court in State v. Barnes, 117 Wn.2d 701, at 710-11 (1991) interpreted the determinate sentencing under Chapter 9.94A RCW & 1981 as legislative mandate design to do away with the disparities created by the indeterminate individual decision-makers. And,

10. Therefore, the clear Public Mandate behind 1997 Laws, Ch. 351 sect. 1 & RCW 9.95.001's the ISRB shall cease to exist on June 30, 2009, with all ISRB Powers, duties and functions transfer to Superior Courts is also clearly consistent with this state high court Ruling in Smith v. Bates Technical Coll., 139 Wn.2d 793, at 807 (A clear Mandate of Public Policy may be

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established either by statute or by Prior judicial interpretation and decisions).

11. Therefore between this state high court decisions and the 1997 laws Ch. 351 section 1 & 9.98.0011 ISRB shall cease to exist on June 30, 2008 Legislature selection & final Penalty Calculated by ISRB in 1987 as a Combined total SRA & 1981 determinate Penalty of 31 years 2-months to 39 years 2-months (SEE APPendix 5) is that Clearly the retroactive benefit by RCW 9.95.009(2), Laws of 1981 Chapter 137 Section 247 with its ISRB shall Consider the Purposes, Standards and Ranges of the SRA when redetermining the minimum terms of Pre-SRA inmates; and,

12. This state high Courts Ruling in In re Pers. Restraint of Eoklund, 139 Wn.2d 166, 180, 985 P.2d 343, 350 & n. 15 (1999) Citing Laws of 1983 Chapter 115 section 10 & RCW 9.95.010

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9.94A.390;

therefore in my (Pet. Brooks) Case means I had equal protection right to retroactive benefit as Ecklund, supra, in 1999 got by the 1997 laws Chapter 351 section 1 & RCW 9.95.011 to transfer to superior court for resentencing as a way to minimize the chance of ISRB making arbitrary disparity in punishment, which this high state court admits by State v. Barnes 117 Wn2d 701, at 710-11, 818 P.2d 1088 (1991) "the disparity was due to the decision makers own philosophy."

13. In Ventenbergs v. Seattle, 163 Wn2d 92, 121-22, & n. 31, 178 P.3d 962 (2007) this court explains that if the ~~dominate~~ dominant purpose be the service of private interest under the cloak of the general public good, it must be adjudged a perversion of the power, and will be struck down by the Courts as an abuse of power.

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14. And, as explained by this Court in Ralph v. Wenatchee, 34 Wn.2d 638, 644, 209 P.2d 270 (1949) The fourteenth Amendment to the federal Constitution Provides that no ~~Person~~ state shall deny to any Person within its jurisdiction the equal Protection of the laws. Our own State Constitution Provides that no law shall be Pass granting to any citizen, Class of Citizens, Privileges or immunities which upon the same terms, shall not equally belong to all citizens. Washington Const. Art. 1, Sect. 12; and,

15. This Court has authority to Consider this as a manifest error affecting Substantive Protected liberty interest (Constitutional Rights.) SEE RAP 2.5 (a)(3); SEE also, State v. Greif, 141 Wn2d 910, 923 & n. 6, 10 P.3d 392 (2000) (same).

16. And in ascertaining the legislative intent in the enactment of a statute, the state law, 17 10

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or the state & the law prior its adoption must be given Consideration. SEE Madden v. Public Util. Dist., 83 Wn.2d 219, 222, 517 P.2d 588 (1973);

LEGISlative Ex Post Facto Violations

17. The 2001 2nd Sp.S. Ch. 12 Sect. 501 Repeal of the 1997 ch. 351 Sect. 4 & RCW 9.95.0011's transfer of all offenders convicted Prior to July 1, 1984 back to Superior Court for resentencing under the Laws of 1983 ch. 115, sect. 10 & RCW. 9.94A.390(2)'s Proof of Aggravating facts by Preponderance of evidence. SEE also, In re Pers. Restraint of Eckland, supra, 139 Wn.2d at 180;

which includes laws of 1990 Ch. 3 section 604 & RCW 13.40.135(2) requirement for juvenile sex motivation to be Proven beyond a reasonable doubt. See also State v. Halstien, 122 Wn2d 109, 857 P.2d 270 (1993); see also In re Winship 397 U.S. 358, 363,

25 LEd2d 368, 90 Sct. 1068 (1970)(same).

18. Therefore, I (Brooks) am Currently two-years eleven Months (November 1st) Past the forty-year Mandatory Suggested to the ISRB by my (Brooks) May 19th 1978 Judgment & Sentence (see PRP No 79157-3-1 at Pgs. 26-27) and about three-years eleven-months (3-years 11-months) Past the maximum combined total 39-years 2-months SRA range Calculated by the 1987 ISRB Review (SEE APPENDIX 5), which makes the legislature's 2001 2nd Sp.S. Ch. 12 Sect 501 Repeal of 1997 Ch. 351 Sect. 1 and RCW 9.95.0011 clear ex post facto Violation.

19. Two critical elements must be Present for a criminal law to be ex Post facto; it must be retrospective, that is, it must apply to events occurring before its enactment, and it must disadvantage the offender affected by it. See Weaver V. Graham,

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20. The Clear mandate of Public and Judicial Policy set forth by this high state court in Pers. Restraint of Ecklund, supra is, was that aggravating facts were to be tried by RCW 9.94A.390(2) in Superior Court by chapter 9.95.011 RCW, Laws of 1997 Ch. 351 section 4 -

(1) The ISRB shall cease to exist on June 30, 2008 and all its powers, duties and functions with respect to persons convicted of crimes committed before July 1, 1984 shall be transferred to the Superior Courts of the state of Washington;

21. The Ex Post Facto Clause is directed against legislative acts, but it nonetheless is regarded as reaching every form in which the legislative power of a state is exerted, including a regulation or order of the state exercising delegated legislative authority. Ross v. State of Oregon, 227 U.S.

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150, 162-63, 33 Sct. 220, 57 LEd 458 (1913).

USURPation

22. 2001 2nd Sp. S. ch. 12 Sect. 501 Repeal of 1997 ch. 351 sect. 4 and RCW 9.95.009 termination Clause is unlawful legislative supreme Power Clauses because it's derogation of united states constitution and illegal Power by legislature. SEE Scanes V. Babb, 124 W. Va. 429, 20 S.E.2d 683, 686 ( ).

23. First, this high court in 1996 already interpreted the Legislature's new SRA of 1981 as determinate Criminal sentencing design to do away with the disparity in Criminal sentencing under indeterminate decision making, individual's. See State V. Barnes, 117 Wn2d 701, at 710-11, 818 P2d 1088 (1991) (disparities were due to decision makers own Philosophy) The Purpose of enacting the SRA was to create a new system focusing on the seriousness of the offense and the offender's

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Criminal Past (history). Barnes, supra.

24. Second, In State v. Aqui (cite omitted) when this State of Washington saw that the lawful criminal sentence ended, the state filed Civil Commitment Procedures against Joseph Aqui, alleging that multiple Prior sex Crimes Convictions and charges since 1973 justified civil commitment tried by Jury, which Aqui was civil commited thereby.

25. The ISRB offers no reason why it's 1997 parole release and discharge of my (Brooks) crime Partner ozie whitfield (63) is fair even though whitfield, ozie's about 45-minutes sex motivated rapes and assaults against Maureen Bekemeyer (Appendix 7), while my (Brooks) juvenile Robbery motivated behavior only last about 90-Seconds. See Appendix 7 (compare with Appendixes 8 & 9)

26. Clearly then, the legisleture is arbitrarily depriving me (Brooks) of equal treatment my crime Partner

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(Ozie Whitfield) obtain by lenient 1997 release (Appendix, 6);

27. And denies, arbitrarily equal treatment that Joseph Agar obtain by jury trial Civil Commitment, while ISRB by legislature 2001 2nd sp. S. Ch. 12 sect. 501 ~~[illegible]~~ impermissible usurpation of legislative Repeal of RCW 9.95.0011 Laws of 1997 ch. 351 sect 4's ISRB shall cease to exist on June 30, 2008 arbitrarily deprive me (Brooks) from transfer to Superior Court for resentencing to the calculated SRA sentence total of 32.9 years to 39.2 years (32-years 9-months to 39-years 2-months) SEE Appendix-5.

28. This Court in State v. Witherspoon, 180 Wn.2d 875, 902, 329 P.3d 891 (2013) explained that Fain requires us to consider four factors in an Art. 1 Sect. 14 Challenge: (1) the legislative Purpose behind the challenged statute; (2) the nature of the defendant's offense; (3) the

Punishment the defendant would have received in other jurisdictions for the same offense, and (4) the Punishment the defendant would have received in Washington. SEE also, State V. Fain, 94 Wn.2d 387, 397, 617 P.2d 721 (1980);

29. The U.S. Rule is that whoever, under a state government denies or takes away the equal Protection of the laws Violates the Constitutional inhibition; and as he acts in the name of the state, his act is that of the state. Thus, the Prohibitions of the 14th Amendment extend to all action of the State denying the equal Protection of the laws; no state legislator can war against the Constitution without violating his undertaking to support it. If the legislatures of the several States may, at will, annul the judgments of the courts, and destroy the rights acquired under those judgments, the constitution itself becomes a mockery.

SEE Cooper v. Aaron, 358 U.S. 1, 17-18, 3 LEd2d 5, 78 S.Ct. 1401 (1958).

30. The legislature violates Separation of Powers Principles when it infringes on a judicial function. It is a fundamental rule of statutory construction that once a statute has been construed by the highest court of the state, that construction operates as if it were originally written into it. SEE In re: Estate of Hambleton, 181 Wn2d 802, 818, 335 P.3d 402 (2014).

31. Judicial decisions are subject to the ex Post facto Clause, the judicial decisions which are applied retroactively may raise due Process Concerns. SEE State v. Aho, 137 Wn.2d 736, 742-43, 975 P.2d 513 (1999); see also, Marks v. United States, 430 U.S. 188, 191, 97 S.Ct. 990, 51 LEd2d 260 (1977).

32. State delegation of legislative authority without guideline or check violates due Process.

Brooks, RAP's 13.7(d) & 10.10
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See Seattle Trust Co. V. Roberge, 278 U.S. 116, 120-122, 73 LEd 210, 213, 214, 49 S.Ct. 50 (1928)

32. Both Art. 1 sect. 10 Cl. 1 of United States Const & Art. 1 sect. 23 Washington state Const. holds NO EX Post Facto laws shall be Passed. SEE also, In re Pers. Restraint of Stenphill, 134 Wn.2d 168, 169-70, 949 P.2d 365 (1998).

33. Laws of 1983 Ch. 115 sect. 5 & RCW 9.94A.340 holds sentencing guidelines and Prosecuting standards apply equally to offenders without discrimination as to any element that does not relate to the Crime or Previous record.

34. A trial witness's Prior inconsistent statement made as a written Complaint on oath Subject to Penalty of Perjury was admissible as Substantive evidence. SEE State v. Smith, 97 Wn.2d 856, 651 P.2d 207 (1982).

35. We have found the exclusion of evidence to be unconstitutionally arbitrary or disproportionate where it has infringed upon a weighty interest of the accused. SEE United States V. Brooks, RAP's 13.7(d) & 10.10 26 19
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Scheffer, 523 U.S. 303, 308, 118 S.Ct. 1261, 140 L.Ed.2d 413 (1998).

36. We may not require the Legislature to select the least severe Penalty Possible Possible so long as the Penalty selected is not Cruelly inhumane or disproportionate to the crime. Gregg v. Georgia, 428 U.S. 153, 174-75, 49 L.Ed.2d 859, 96 S.Ct. 2909 (1976).

37. A clear mandate of Public Policy may be established by Statute or by Prior Judicial decision. Supra. (Bates Tech. Coll, supra.)

38. Prejudice is Presumed where a violation of the Public trial right occurs; thus, had appellate Counsel raised the constitutional violation on appeal, the remedy for the Prejudicial error would have been remand for a new trial. SEE In re: Pers. Restraint of Orange, 152 Wn.2d 795, 814, 100 P.3d 293 (2004).

39. To establish Prejudice the defendant (appellant) must show that there is reasonable Probability that

but for Counsel's unprofessional errors, the result of the Proceedings would have been different. Assessment is made by weighing the totality of the ~~availability~~ Available mitigating Evidence; both adduced at trial and Collateral Appeals. SEE In re: Pers. Restraint of Yates, 177 Wn.2d 1, 36, 296 P.3d 872 (2012); see also, Williams V. Taylor, 529 U.S. 362, 397-98, 120 S.Ct. 1495, 146 L.Ed.2d 389 (2000).

VI. CONCLUSION

Wherefore, this state high Court, based on these Statement of Additional Grounds - (1) order ISRB to release me (Brooks) by Miller-Fix (RCW 9.94A.730); and order Remand for RCW 9.95.0071 Laws of 1997 Ch. 351 sect. 4 to follow within 60-days thereafter; Respectfully submitted october 27th 2020

Carl Brooks
Carl Brooks #259045
Coyote Ridge Correct. Ctr
PO Box 769
Connell, WA 99326

APPENDIX 1

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON

TEMPLE OF JUSTICE
P.O. BOX 40929
OLYMPIA, WA 98504-0929

(360) 357-2077
e-mail: supreme@courts.wa.gov
www.courts.wa.gov

July 8, 2020

LETTER SENT BY E-MAIL ONLY

Carl Alonzo Brooks
#259045
Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326

Timothy Norman Lang
Mandy Lynn Rose
Alex A. Kostin
Office of the Attorney General
1125 Washington Street SE
Olympia, WA 98501-2283

Gregory Charles Link
Washington Appellate Project
1511 3rd Avenue, Suite 610
Seattle, WA 98101-1683

Re: Supreme Court No. 97689-9 - Personal Restraint Petition of Carl Alonzo Brooks
Court of Appeals No. 79757-3-I

Counsel and Mr. Brooks:

Enclosed is a copy of the ORDER entered following consideration of the above matter on the Court's July 7, 2020, Motion Calendar.

In accord with the Court's order, Mr. Gregory Link, WSBA #25228, is appointed to represent Mr. Brooks in this case.

Sincerely,

Susan L. Carlson
Supreme Court Clerk

SLC:bw

Enclosure as referenced

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THE SUPREME COURT OF WASHINGTON

In re the Personal Restraint Petition of	)	No. 97689-9
	)	
CARL ALONZO BROOKS,	)	**ORDER**
	)	
Petitioner.	)	Court of Appeals
	)	No. 79757-3-I
	)	

Department I of the Court, composed of Chief Justice Stephens and Justices Johnson, Owens, Gordon McCloud and Montoya-Lewis (Justice González sat for Justice Johnson), considered this matter at its July 7, 2020, Motion Calendar and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petitioner's motion for discretionary review is granted. Any party may serve and file a supplemental brief within 30 days of the date of this order, see RAP 13.7(d). The Clerk of this Court is directed to appoint counsel for Mr. Brooks for the purposes of this review.

DATED at Olympia, Washington, this 8th day of July, 2020.

For the Court

Stephens, C. J.
CHIEF JUSTICE

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APPENDIX 2

No. 97689-9

THE SUPREME COURT OF THE STATE OF WASHINGTON

9/11/2020

In re the Personal Restraint of:

CARL BROOKS

Petitioner

SUPPLEMENTAL BRIEF OF PETITIONER

---

filed 9/11/2020

GREGORY C. LINK
Attorney for Petitioner

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 610
Seattle, Washington 98101
(206) 587-2711

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A. Introduction

In 1978, Carl Brooks was sentenced to a 90-year minimum term for crimes he committed when he was 17 years old. He is now almost 60 years old and will not be eligible for release from prison until he is 105 years old under the Indeterminate Sentence Review Board's (ISRB) interpretation of his sentence.

The United State Supreme Court cautioned it would only be the rare child who receives the harshest adult sentence. This Court made clear these protections apply to children serving virtual life sentences either as a result of a single sentence or multiple consecutive terms. This Court has ruled that sentences requiring a child to die in prison violate Article I, section 14. This Court has insisted courts consider the personal characteristics of youthfulness whenever sentencing a child under adult sentencing laws. Both courts have demanded that past sentences imposed on children must afford the person the chance to leave prison during their lifetime.

The Legislature has also responded, providing in RCW 9.94A.730 a means for release of any person sentenced as a child after serving 20 years.

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The ISRB's refusal to apply this Legislative remedy to Mr. Brooks ignores the legislature's intent. In the absence of any opportunity to leave prion in his lifetime, Mr. Brooks' sentence is unconstitutional.

B. Issues Presented

The Eighth Amendment and Article I, section 14, require sentencing courts consider the mitigating qualities of youthfulness whenever sentencing a child as an adult. Where a court sentences a child to a lengthy term without consideration of their youthfulness states must either resentence the person or afford them some meaningful opportunity for release from prison. The Legislature enacted RCW 9,94A.730 to provide just such an opportunity for release. The ISRB refuses to apply the statute to Mr. Brooks. The ISRB does not dispute his current sentence, imposed when he was a child, will require Mr. Brooks to die in prison. The ISRB simply insists the legislature did not intend to remedy unconstitutional sentences imposed before 1984.

(1) Does RCW 9.94A.730, the "*Miller*-fix," all to sentences which violate Miller?

(2) If RCW 9.94A.730 does not apply to Mr. Brooks, does his 90-year minimum term sentence violate the Eighth Amendment and Article I, section 14 where there is no possibility of his release from prison?

C. Summary of the Case

In January, 1978, Carl Brooks, a 17 year-old Black teen-ager, was charged with eight crimes including robbery, kidnapping, murder, and rape. Appendix at 3. Mr. Brooks acted with an older co-defendant. Many of the alleged victims were white.

Just four months after being charged, Mr. Brooks accepted responsibility and pleaded guilty. Appendix at 4-6. The only reduction in charges was a decrease in a first degree murder charge to second degree murder. *Id.* at 3. The remaining seven counts were unchanged. Mr. Brooks quickly accepted this plea arrangement even though each of the eight counts carried a sentence of 20 years to life in prison, and knowing that the prosecutor would recommend consecutive terms. *Id.* at 5. In short, as child, Mr. Brooks pleaded guilty knowing he would likely die in prison.

Prior to 1984, the trial court was required to impose a sentence equal to the maximum term set by statute and it determined whether sentences should be served consecutively. *In re the Matter of Sinka*, 92 Wn.2d 555, 560, 599 P.2d 1275(1979). The Board of Prison Terms and Parole then set the minimum terms. *Id.* Individuals are eligible to earn credit up to one-third off each sentence for good behavior. RCW 9.95A.110, Laws 1955, ch. 133 sec. 12.

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Without any discretion to impose anything other than maximum sentence, the trial court imposed the maximum sentence on each count. Appendix at 7. The court ordered the sentences on Counts 1, 5, 6, 7 and 8 be served concurrently to one another but consecutive to the sentences on Counts 2, 3, and 4. *Id.* Additionally, the trial court ordered the sentences on Counts 2, 3 and 4 to be served consecutively to one another and to the five concurrent sentences. *Id.* This results in a minimum sentence of 90 years with a maximum of life.

The parole board then set Mr. Brooks's minimum sentences on the individual counts that he would consecutively serve. Appendix at 8.

As a part of the Sentencing Reform Act, the legislature enacted RCW 9.95.009 which directed the ISRB, successor to the parole board, to set minimum terms for existing sentences in light of the purposes of the SRA. In 1987, the ISRB reviewed Mr. Brooks's sentences and while it modified individual sentences it left in place the basic structure of original sentence, four consecutive blocks, with a resulting minimum term totaling 90 years. Appendix at 9-11.

Mr. Brooks was paroled from his initial block in 1992. He is currently serving the second block.[1] When he is paroled from that sentence

[1] ISRB documents from 1987 indicate this second block is a 25-year minimum term. Department of Corrections documents, however, indicate this second sentence block is a term of 45 years, 6 months. Appendix at 25-26.

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he will then begin serving the third then the fourth sentence, with minimum terms of 25 and 20 yeas respectively.

In 2018, the ISRB determined Mr. Brooks was not parolable from his current sentence under the criteria of RCW 9.95.009 and RCW 9.95.100. Appendix at 12. The ISRB specifically refused to apply the "Miller-fix," finding it does not apply to Mr. Brooks. Appendix at 16.

Mr. Brooks will not be eligible to leave prison until he is at least 105 years-old.

D. Argument

1. Where a person is serving a lengthy adult sentence for crimes they committed as a child, the Eighth Amendment and Article I, section 14 require the State to provide a meaningful opportunity for release based solely upon rehabilitation.

When a sentencing scheme is applied to a child in the same fashion as an older offender, the scheme is "the same in name only." *Miller v. Alabama*, 567 U.S. 460, 475, 132 S. Ct. 2455 183 L. Ed. 2d 407 (2012) (Internal citations and ellipses omitted.) Most children are not as culpable as an adult. *Id.* at 471-72. Instead, it is only the rare and truly irredeemable child who is as culpable as an adult. *Graham v. Florida*, 560 U.S. 48, 72-73, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010). "[W]e think appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon." *Miller*, 567 U.S. at 479. The harshest sentences are

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appropriate only for "the rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is **impossible** . . . ." *Montgomery v. Louisiana*, ___ U.S. ___, 136 S. Ct. 718, 733, 193 L. Ed. 2d 599 (2016) (Emphasis added.) That recognition is consistent with what *Miller* itself said; ". . .

Miller requires that whenever a court sentences a child as an adult, the court must consider "mitigating circumstances associated with the youth." *State v. Houston-Sconiers*, 188 Wn.2d 1, 21, 391 P.3d 409, 420 (2017). The trial court had no opportunity to do that in Mr. Brooks's case. The court was required to impose the maximum sentence for each offense. The parole board then set the minimum term. *Sinka*, 92 Wn.2d at 560.

This Court has made clear *Miller's* protections apply equally to life sentences and their equivalent, such as where multiple consecutive terms amount to an effective life term. *State v. Ramos*, 187 Wn.2d 420, 439-40; 387 P.3d 650, *cert. denied*, __U.S.__, 138 S. Ct. 467 (2017)). While *Miller* did not categorically bar life sentences for all children, this Court recognized Article I, section 14 prohibits imposition of sentences which require the child to die in prison. *State v. Bassett*, 192 Wn.2d 67, 91, 328 P.3d 343 (2018). "What the State must do, [is give children convicted as adults] some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Graham*, 560 U.S. at 75. Mr.

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Brooks's "hope for some years of life outside prison walls must be restored." *Montgomery*, 136 S. Ct. at 737.

Mr. Brook's sentence, with its 90-year minimum term does not offer Mr. Brooks any opportunity for release during his lifetime. But the ISRB contends *Miller* is inapplicable because each of Mr. Brooks's sentences allow him to be paroled. Answer at 10, 14. The ISRB insists Mr. Brooks was paroled from his first group of sentences in 1992. Answer at 14. But this "parole" was only an administrative notation, merely permitting him to begin serving a second part of the sentence imposed. When he is "paroled" from the current portion of his sentence he will then begin serving the third and fourth portions of his sentence which carry a combined minimum term of 45 years.

Graham does not say merely that the state must provide some record-keeping process it terms "parole." Rather the person sentenced as child has the right to a "meaningful opportunity for release." 560 U.S. at 75 (Emphasis added).

In denying Mr. Brooks even this administrative "parole," the ISRB points to his past infractions as a justification. But among these "serious infractions" on which the ISRB has relied, is a suicide attempt in 2010 and his efforts to resist staff intervention. Appendix at 22. Rather than justify further incarceration, his efforts to take his own life illustrate

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the pernicious and fundamental evil of sentencing children to die in prison; it robs them of hope. While the ISRB would seize upon Mr. Brooks's response to that despair to justify its actions, it instead underscores *Montgomery's* demand for the restoration of at least the hope of someday leaving prison. *Montgomery*, 136 S. Ct. at 737.

Mr. Brooks's sentence denies him any opportunity to leave prison during his lifetime. *Graham* and *Miller* require more than merely the chance to begin serving the next in a line of consecutive sentences that will keep him confined until he dies. As *Bassett* recognized, the point of these cases was to "abandon[] the practice of putting child offenders in prison for their entire lives." 192 Wn.2d at 86.

Because it requires him to die in prison for crimes committed as a child, Mr. Brooks sentence violates the Eighth Amendment and Article I, section 14 unless he is afforded a meaningful opportunity for release during his lifetime. The legislature enacted RCW 9.94A.730 to provide him that opportunity.

2. *The Legislature enacted RCW 9.94A.730 to remedy sentences such as Mr. Brooks's that do not afford a meaningful opportunity to leave prison.*

To meet the demands of *Graham* and *Miller*, the Legislature enacted RCW 9.94A.730, the *Miller*-fix. That statute provides:

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> Notwithstanding any other provision of this chapter, any person convicted of one or more crimes committed prior to the person's eighteenth birthday may petition the indeterminate sentence review board for early release after serving no less than twenty years of total confinement, provided the person has not been convicted for any crime committed subsequent to the person's eighteenth birthday, the person has not committed a disqualifying serious infraction as defined by the department in the twelve months prior to filing the petition for early release, and the current sentence was not imposed under RCW 10.95.030 or 9.94A.507.

Importantly, RCW 9.94A.730 requires a presumption of release for children. The statute directs 'the board shall order the person released under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the person will commit new criminal law violations if released." RCW 9.94A.730(3).

Rather than presume release, the "parole" hearings ISRB has provided Mr. Brooks require him to prove "meritorious effort in rehabilitation." RCW 9.95.045. Even then, the ISRB has complete discretion to deny release. RCW 9.95.009; RCW 9.95.100. This is fundamentally different than the presumption of release under RCW 9,94A.730. *In re the Personal Restraint of Brashear*, 6 Wn. App. 2d 279, 282 n.2, 430 P.3d 710 (2018).

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Beyond the presumption of release, and unlike RCW 9.95.100, RCW 9.94A.730 does not permit the ISRB to rely upon the facts of Mr. Brooks's crime or the amount of time served. *Brashear*, 6 Wn. App. 2d at 287. Yet it is clear from the collection of ISRB Decisions the attached to its answer, the board's parole have been decision are driven primarily by the facts of the crimes.

RCW 9.94A.730 creates two exceptions to its release provisions, sentences imposed under RCW 9.94A.507 and RCW 10.95.030. Neither statute applies here. RCW 9.94A.507 pertains to sentences for certain sex offenses committed after 2001. RCW 10.95.030 refers to sentences for aggravated first degree murder for which a court must impose a minimum term of no less than 25 years at which point they are eligible for release. Other than those two exceptions the legislature intended the statute to provide the meaningful opportunity for release for all other sentence as *Graham* requires.

a. The Legislature intended RCW 9.94.730 to apply broadly to most children sentenced as adults to lengthy sentences.

If the language of a statute is unambiguous, it alone controls. *State v. Roggenkamp*, 153 Wn.2d 614, 621, 106 P.3d 196 (2005). This Court "[d]etermine[s] legislative intent from the statute's plain language, considering the text of the provision in question, the context of the statute

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in which the provision is found, related provisions, amendments to the provision, and the statutory scheme as a whole." *State v. Conover*, 183 Wn.2d 706, 711, 355 P.3d 1093 (2015) (internal quotations and citations omitted).

RCW 9.94A.730 makes clear it is intended to apply to "any" person sentenced as a child with the exception of sentences imposed under two specified statutes. There is no language in RCW 9.94A.730 limiting its application to sentences imposed after 1984. There is nothing that narrows its reach to only sentences imposed under chapter 9.94A. In fact, the legislature was clear which sentences were excluded: sentences for (1) aggravated first degree murder (RCW 10.95.030), and (2) certain sex offenses (RCW 9.94A.507). Those express exclusions are important as they illustrate (a) the legislature otherwise intended the statute to apply to all other sentences, and (b) the legislature understood the statute would otherwise applies to sentence imposed under provisions other than chapter 9.94A..

When construing a statute "'expressio unius est exclusio alterius'—the express inclusion of specific items in a class impliedly excludes other such items that are not mentioned." *State v. Linville*, 191 Wn.2d 513, 520, 423 P.3d 842 (2018). The fact that RCW 9.94A.730(1) expressly excludes sentences under chapter 10.95 but does not mention

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sentences under chapter 9.95 means it does not exclude the later class of sentence. If the Legislature intended to prevent application of RCW 9.94.730 to other sentences, such as those imposed under former chapter 9.95 it could have readily said so. *See State v. Slattum*, 173 Wn. App. 640, 656, 295 P.3d 788(2013).

The Court of Appeals reasoned that because Mr. Brooks was not sentenced under chapter 9.94A, the *Miller*-fix could not apply to him. Had the Legislature intended 9.94A.730 to apply only to sentences imposed under chapter 9.94A, there was no reason to expressly exclude sentences imposed under chapter 10.95 from its provisions. "A court must not interpret a statute in any way that renders any portion meaningless or superfluous." *State v. K.L.B.,* 180 Wn.2d 735, 742, 328 P.3d 886 (2014). Thus, the statute's two express exclusions establish the Legislature's intent for RCW 9.94A.730 to apply to all other sentences including those imposed under provisions other than chapter 9.94A.

The *Miller*-fix, RCW 9.94A.730, applies to Mr. Brooks's sentence.

b. The Legislature did not exclude children convicted prior to 1984 from its efforts to remedy the unconstitutional sentences they received.

The ISRB insists RCW 9.94A.730 may only apply to sentences imposed under the "SRA"; that is sentences for crimes committed after 1984. Answer at 4 (citing RCW 9.94A.905). RCW 9.94A.905 only

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provides "the sentences required under this chapter shall be prescribed in each sentence which occurs for a felony committed after June 30, 1984." While it requires sentences for post-1984 offenses be determined pursuant to chapter 9.94A, the statute says nothing about application of the provisions of the chapter in other scenarios or to sentences imposed under other statutory authority.

Again, if the provisions of RCW 9.94A.730 could only apply to sentences imposed under chapter 9.94A there was no reason for the legislature to expressly exclude sentences under RCW 10.95.030. The fact that Legislature included that express exemption defeats the ISRB's claim.

In fact, there are numerous instances in which provisions of chapter 9.94A apply to sentences imposed under other statutory schemes. Title 9, Title 46 and Title 69 contain sentencing provisions for firearm, driving and drug felonies respectively. Those sentences are also subject to the provisions of chapter 9.94A. *See e.g. State v. McFarland*, 189 Wn.2d 47, 53-55, 399 P.3d 1106 (2018) (concluding provision for consecutive firearm sentences in RCW 9.41.040 did not preclude consideration of mitigating factors found in RCW 9.94.535 to impose concurrent term); *State v. Cyr*, 195 Wn.2d 492, 503-04, 461 P.3d 360 (2020) (provisions of both chapter 9.94A and chapter 69.50 combine to determine the proper standard range sentence for a person convicted of a second drug offense).

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The determination of whether RCW 9.94A.730 applies to Mr. Brooks neither begins nor ends with the fact that he was not initially sentenced under the provisions of chapter 9.94A.

Further, the ISRB's contention that RCW 9.94A.730 only applies to sentences under the SRA is both inaccurate and imprecise.

First, the ISRB's contention that RCW 9.94A.730 is limited to sentences imposed under chapter 9.94A is inaccurate as it the statue expressly excludes sentences under RCW 9.94A.507.

Second, the claim is imprecise as the term "SRA" may refer to two distinct things. Chapter 9.94A is colloquially known as the sentencing reform act. RCW 9.94A.020. But the actual legislative act, the Sentencing Reform Act of 1981, Laws 1981, ch. 137, did more than simply enact that chapter. The 1981 Act also created statutes such as RCW 9.95.009 which created the ISRB and directed it to consider the purposes of the SRA when determining the length of confinement for those who committed offenses prior to 1984. Laws 1981, ch. 137, § 24. Indeed, it was under RCW 9.95.009, a part of the SRA, that the ISRB established the minimum terms and consecutive sentence structure that Mr. Brooks is presently serving. Appendix at 10-11. The ISRB's most recent decision cites that very statute as a basis to deny him review. *Id. at 12.* Thus, Mr. Brooks's sentence is governed by the SRA, albeit not the sentencing grid.

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Finally, the ISRB has pointed to the language "Notwithstanding any other provision of this chapter" in RCW 9.94A.730 as limiting the statute to sentences imposed under chapter 9.94A. Answer at 6. It does not. Instead, this language was necessary to avoid application of the otherwise mandatory provisions of that chapter for sentences imposed under its terms. There was no reason for the Legislature to include similar language referring to chapter 9.95 as that chapter does not contain mandatory minimum sentencing provisions that would otherwise frustrate application of RCW 9.4A.730.

Based upon the plain language of the statute and its clear intent, Mr. Brooks is eligible to petition for release under RCW 9.94A.730.

c. The ISRB's interpretation of RCW 9.94A.730 casts grave constitutional doubt on the statute.

This Court construes statutes to avoid doubt as to their constitutionality. *Utter v. Building Indus. Ass'n of Washington*, 182 Wn.2d 398, 434, 341 P.3d 953 (2015).

Under the Equal Protection Clause, persons similarly situated with respect to the legitimate purpose of the law must receive like treatment. *Bush v. Gore*, 531 U.S. 98, 104-05, 121 S. Ct. 525, 148 L. Ed. 2d 388 (2000); *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439, 105 S. Ct. 3249, 87 L. Ed .2d 313 (1985).

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There is no rational basis to enact a statute that remedies unconstitutional sentences imposed after July 1, 1984, while ignoring those imposed before. It is clear *Miller* applies to sentences imposed even before it was decided. *Montgomery*, 136 S. Ct. at 734. Mr. Montgomery committed his crime in 1963. It is also clear, states must either provide resentencing or a meaningful opportunity for release from prison. *Id.* 736. Knowing what *Miller* and *Montgomery* demand, it would be wholly irrational for the legislature to arbitrarily deny such relief to those whose crimes were committed prior to July 1984. It is more even more irrational in light of the fact that the legislature, also in response to *Miller*, afforded review for the far-more serious offense of aggravated first degree murder, albeit no sooner than twenty-five years, after sentencing without any limitation on when the offense was committed. RCW 10.95.035.

The ISRB contends that those who committed their offenses prior to 1984 are not similarly situated as they are entitled to parole. Answer at 10. But parole does not allow Mr. Brooks any hope that he will leave prison as *Montgomery* required. Instead, parole as applied by the ISRB only allows him to begin serving the next in a string of sentences imposed under the same cause number. Unlike the release provisions of RCW 9.94.730 there is no presumption of release for Mr. Brooks. Although not an equal protection case, *Montgomery* illustrates children who receive

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lengthy sentences without consideration of their youthfulness are similarly situated regardless of what year they committed their offense.

The ISRB's construction of RCW 9.94A.730 creates constitutional doubt and must be rejected. *Utter*, 182 Wn.2d at 434,

3. If RCW 9.94A.730 does not apply to Mr. Brooks's sentence, his sentence is unconstitutional.

In enacting RCW 9.94A.730, the Legislature heeded *Miller* and *Graham's* caution that the harshest sentences may be imposed only rarely on children and the State must provide all other children a meaningful opportunity for release in their lifetime. The ISRB would have this Court conclude the Legislature interpreted *Graham's* limitation to the "rare" child to instead allow those harsh sentences for "the rare child and any child sentenced in Washington prior to 1984."

The plain language of RCW 9.94A.730 makes clear the statute's reach is not so artificially limited. But even if the State's claim were true, it simply means Mr. Brooks's sentence is unconstitutional and he is entitled to a new sentencing hearing.

In response to *Miller,* states have two options: resentence the individual or afford some other avenue meaningful avenue for release. *Montgomery*, 136 S. Ct. at 736; *State v. Scott*, 196 Wn.2d 961, 969-71, 385 P.3d 783 (2016). Mr. Brooks's current sentence does not provide him

an opportunity to leave prison. If RCW 9.94A.730, the *Miller*-fix, did not fix his unconstitutional sentence, Mr. Brooks is entitled to a new sentencing hearing for the trial court to impose a sentence that considers the attributes of his youthfulness at the time of his offense.

4. Mr. Brooks is entitled to relief.

Aside from denying Mr. Brooks's petition based upon its misinterpretation of RCW 9.94.730, the Court of Appeals also wrongly concluded his petition was successive as he a previously filed a personal restraint petition.

The present petition challenges the ISRB's 2018 refusal to apply RCW 9.94A.730 not the original sentence imposed. Mr. Brooks has not previously filed a petition challenging that decision and thus the present petition is not successive. The Board's refusal to apply the statute violates the Eighth Amendment, Article I, section 14, and RCW 9.94A.730. Thus, Mr. Brooks is entitled to relief under RAP 16.4(b)(6).

If the petition is deemed a challenge to his sentence. *Miller,* its progeny, and the enactment of RCW 9.94A.730 are a material intervening change in the law establishing good cause under RAP 16.4. *See In re Personal Restraint of Lavery*, 154 Wn.2d 249, 261, 111 P.3d 837 (2005). *Montgomery* has said *Miller* applies retroactively and he has no other adequate remedy. *See State v. Scott*, 190 Wn.2d 586, 592, 416 P.3d 1182

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(2018). Contrary, to the ISRB's contention in its Answer no rule required Mr. Brooks to file the present petition within one year of *Miller*. *See* RCW 10.73.090 Thus he is entitled to relief under RAP 16.4(c)(4).

E. Conclusion

The ISRB's refusal to apply the legislative remedy to Mr. Brooks's unconstitutional sentence renders his restraint unlawful. He is entitled to relief and this Court should grant his petition.

Respectfully submitted this 11th day of September, 2020.

Gregory C. Link – 25228
Attorney for Petitioner
Washington Appellate Project
greg@washapp.org

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APPENDIX 3

August 08, 2020 1040 hours Voicemail
This is Carl Brooks its August 30th
about 1040 hours. This, an set of
Voicemails is additional equal Protection
in The Repeal of legislation under
Laws of 1986 Chapter 224, section 12;
1989 Chapter 259, section 4; and 1997
chapter 351 Section 1 and RCW 9.95.011
by the Laws of 2001 second Special
Session Chapter 12 section 501 Clearly
disadvantage me (Pet. Brooks) and
discriminates against my rights to
access to the Court, and against
excessive Punishment, including the
ex Post facto Clause, and all are
reached by the Procedural and
Substantive Due Process & Equal
Protection Clauses because Repeal
of the "ISRB ~~Cease~~ Shall Cease
to exist laws deprived me &
transfer to Superior Court and
Reduction of the Judge and Prosecutor's
Life without the Possibility of Parole
(minimum terms) Recommendations
down to the Combined total of
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Verbatim by Carl Brooks 09/14/2020

30-years 10-months to 39-years 2-months Standard SRA Ranges, and includes a finding of my behavior as a Robbery motivated Juvenile under the laws of 1990 Chapter 3 section 604 and RCW 13.40.135;

Our high state Court's Commentary in the 1991 State v. Barnes, holding 117 Wn.2d 701, @ 710-11 explains that under the indeterminate sentencing system individualized decision-making Created a significant disparity among the sentences imposed for offenders of Similar Crimes in those cases which considered a defendant's amen-ability to treatment. Citing Bayley, 51 Wash.L.Rev. @ 535-36. Studies revealed that the disparity was not due to the individual defendants needs, but rather to the decision makers own Philosophy and perspective... The Purpose of enacting the SRA was to Create a New System and restructure the Judges discretion. The

Verbatim by Carl Brooks 04/14/2020

Brooks Voicemail to attorney Link

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The emphasis shifted from Rehabilitation to Proportionality, equality and justice.

In the 1989 United States Supreme Court decision Ky. Dept. of Corrections Vs. Thompson, 490 U.S. 454, @ 460 it is explained that a Protected liberty interest may arise from either the Due Process Clauses, or the laws of the State.

The 2003 high state court decision in City of Sumner Vs. Walsh, 148 Wn.2d 490, @ 521 N. 17 explains that "if a legislative law infringes on a fundamental right under either Substantive due Process or equal Protection Clauses, that the higher standard of Strict Scrutiny will apply; and it was explained in 2018 by our high State Court in State Vs. Belon, 190 Wn2d 458, @ 464 that "the Superior Courts Could not impose exceptionally high sentences without statutory authority.

Verbatim by Carl Brooks 09/14/2020

Brooks Voicemail to attorney Link

APPENDIX 4

Verbatim Brooks, Carl 08/23/2020
0855 hrs. Voicemail To Gregory Link WSBA 25228

This is Carl Brooks, it's August 23rd about 0855 hours and I have more equal Protection law and argument I want you to Please add to my November 10th oral argument. The state law of 1986 Chapter 224 section 12; and laws of 1989 Chapter 259 section 4; and 1997 Chapter 351 section 1, including RCW 9.95.0011 demonstrates that Washington State Law makers by mandatory language said that by 1992, then by June 30th 2008 all ISRB Legislation was to be Repealed and the Powers, Duties and Functions with Respect to Persons Convicted of Crimes Committed before July 1, 1984 "shall" be transferred to the Superior Courts; however, by 2001 second special session Law Chapter 12 section 901 the legislature again Repealed Previous legislation in favor of enacting New sex offender only convictions that occurred after

Verbatim by Carl Brooks 8/23/2020

September 1st 2001, and these New offenders ensured ISRB stayed a quasi-judicial Agency;

But the holdings our high State Court made in the 1991 PRP of Powell, the 1998 PRP of Stanphill and the 1999 PRP of Ecklund, shows that where the ISRB sought to redetermine minimum terms outside the Standard Ranges of the SRA against Persons Convicted Prior to July 1st 1984 the ISRB therefore were required to remand back to Superior Court for a updated Prosecutor and Judge's minimum term recommendation that is based on a Preponderance of the evidence standard under RCW 9.94A.390; In this manner, it is shocking to the conscience that the quasi judicial ISRB agency Cannot see that the spirit and intent of ISRB duty to remand has still not happend in my Case

Verbatim by Court Reporter 9/27/2018

Brooks 8/23 Voicemail to Attorney Link WSBA 25228

like it did in the 1991 Powell, 1998 Stanphill and 1999 Eckhud Cases.

Thank you for your time Mr. Link, it took a combined total 3- voicemails to complete this... ok, I'll call you again soon. End-

Verbatim by Carl Brooks 8/23/2020

APPENDIX 5

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RECEIVED
JUL 29 1987
WASHINGTON STATE PENITENTIARY

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
NOTIFICATION OF SRA SCORING UNDER SHB 1400 REVIEW

PURSUANT TO BOARD POLICY AND SUBSTITUTE HOUSE BILL 1400 A REVIEW OF THIS INMATES MINIMUM TERM AND SENTENCING REFORM ACT GUIDELINES HAS BEEN MADE. SHB 1400 REQUIRES THE BOARD TO CONSIDER THE FOLLOWING IN THIS REVIEW:

1. THE PURPOSES, STANDARDS AND RANGES OF THE SRA,
2. THE RECOMMENDATIONS OF THE SENTENCING JUDGE AND PROSECUTOR, AND
3. THE SENTENCING AND DISPOSITION PRACTICES OF THE OLD INDETERMINATE SENTENCING SYSTEM.

THE SRA SCORING ON ALL COMMITTMENT OFFENSES FOLLOWS:

NAME: BROOKS, CARL
259045

CO	CAUSE#	OFFENSE	SL	DS	SRA RANGE	JAIL	ADJ RANGE	JDGE RECO	PA RECO	MAN
17	84744	ROB 1 CT 1	9	6	101-126	109	979-122	LIFE	LIFE	60
17	84744	RAPE 1ST CT 2	10	0	75-92	0	75-92	LIFE	LIFE	60
17	84744	KIDNAP 1 CT 3	10	0	75-92	0	75-92	LIFE	LIFE	60
17	84744	MURD 2 CT 4	12	0	123-164	0	123-164	LIFE	LIFE	60

BOARD DECISION

[ ] MAINTAIN ON CURRENT SCHEDULE.

[ ] SUBMIT PAROLE PLANS ASAP.

[ ] SCHEDULE PAROLABILITY (.100) HEARING ASAP.

[X] REDETERMINE MINIMUM TERMS.

CAUSE#	OFFENSE	NEW MIN TERM	NEXT BOARD ACTION
84744	ROB 1 CT 1	AFFIRM 240 MO	6/89 ADMINISTRATIVE PROGRESS
84744	RAPE 1 CT 2	AFFIRM 300 MO	REVIEW.
84744	KIDNAP 1 CT 3	AFFIRM 300 MO	
84744	MURDER 2 CT 4	AFFIRM 240 MO	

BOARD PANEL: RT & KA

RT:KP
7/16/87

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EXHIBIT 2 - A p.3

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
NOTIFICATION OF SRA SCORING UNDER SHB 1400 REVIEW

PURSUANT TO BOARD POLICY AND SUBSTITUTE HOUSE BILL 1400 A REVIEW OF THIS INMATES MINIMUM TERM AND SENTENCING REFORM ACT GUIDELINES HAS BEEN MADE. SHB 1400 REQUIRES THE BOARD TO CONSIDER THE FOLLOWING IN THIS REVIEW:

1. THE PURPOSES, STANDARDS AND RANGES OF THE SRA,
2. THE RECOMMENDATIONS OF THE SENTENCING JUDGE AND PROSECUTOR, AND
3. THE SENTENCING AND DISPOSITION PRACTICES OF THE OLD INDETERMINATE SENTENCING SYSTEM.

THE SRA SCORING ON ALL COMMITTMENT OFFENSES FOLLOWS:

NAME: BROOKS, CARL A.
259045

CO	CAUSE#	OFFENSE	SL	DS	SRA RANGE	JAIL	ADJ RANGE	JDGE RECO	PA RECO	MAN
17	84744	ASSLT 1 CT 5	11	0	62-82	109	58-78	LIFE	LIFE	60
17	84744	ROB 1 CT 6	9	6	101-126	109	97-122	LIFE	LIFE	60
17	84744	ROB 1 CT 7	9	6	101-126	109	97-122	LIFE	LIFE	60
17	84744	BURG 1 CT 8	7	6	81-99	109	77-95	LIFE	LIFE	60

BOARD DECISION

[ ] MAINTAIN ON CURRENT SCHEDULE.

[ ] SUBMIT PAROLE PLANS ASAP.

[ ] SCHEDULE PAROLABILITY (.100) HEARING ASAP.

[X] REDETERMINE MINIMUM TERMS.

CAUSE#	OFFENSE	NEW MIN TERM	NEXT BOARD ACTION
84744	ASSLT 1 CT 5	AFFIRM 240 MO	6/89 ADMINISTRATIVE PROGRESS
84744	ROB 1 CT 6	AFFIRM 240 MO	REVIEW.
84744	ROB 1 CT 7	122 MONTHS	
84744	BURG 1 CT 8	95 MONTHS	

BOARD PANEL: RT & KA

RT:KP
7/16/87

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EXHIBIT 2 - 8.4

APPENDIX G

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name: *BROOKS, Carl* Number: *259045* Institution: *WSP* Type of Meeting: *Admission* Date: *September 29, 1978* Members: *GWJ & PW*	DECISION AND REASONS

Board Decision:

King Co. #84744 - Robbery, Count I, VI & VII, Assault, First, Count V, Burglary First, Count VIII - all armed with a deadly weapon, minimum term TWENTY (20) YEARS - five years mandatory. Minimum term on Kidnapping First, Count III, while armed with a deadly weapon, TWENTY-FIVE (25) YEARS - five years mandatory. Rape, Count II while armed with a Deadly Weapon, minimum term TWENTY - FIVE (25) YEARS. Murder Second,

Reasons for Decision:

Count IV while armed with a Deadly Weapon, minimum term TWENTY (20) YEARS. This is a total minimum term of ninety years, all the causes are to run Consecutively.

Regarding Robbery, Count I, VI & VII, Assault, Count V and Burglary, Count VIII , these are concurrent to each other. Regarding the Rape First, Count II, there is a three year non-waivable mandatory. Reschedule 5-80 progress.

The crimes are well out-lined in the Prosecutor's statement, they are too horrendous in detail to discuss. The reason for the long minimum terms is that we feel this person should never be returned to the streets.

GWJ:ah

cc: Institution
Resident
File

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BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name: WHITFIELD, Ozie David Number: 259801 Institution: WCC-R Type of Meeting: Sentence Date: 7-11-78 Members: MN & HBR	DECISION AND REASONS

Board Decision:

Minimum term of 20 yrs. on King Co., CSe.#84744. This carries with it a five year mandatory on the Murder, 2nd conviction and a 3 yrs. unwaivable mandatory on the rape conviction. Nxt. Mtg. 5-80, Progress.

Reasons for Decision:

Crime Pattern

cc: Institution
Resident
File

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APPENDIX F

SEATTLE POLICE DEPARTMENT Incident No. 78-32647
01-28-78 time: 1300 Place: Station
Verbatim Statement of: Maureen P. Bekemeyer:

I was returning from grocery shopping at Safeway in U. Village shortly before six. I stopped the car, left it running in front of the garage door and got out and opened the garage door, which was closed but unlocked. I got back in the car and drove it into the garage. Before I could get out of the car, a man opened my car door and pointed a gun at my neck, and told me to move over. At the same time another man climbed into the back seat (suspect #2). Suspect #1 indicated he couldn't drive my car, so switched places with me again. He sat in the front seat next to the window beside my son Colin. Suspect #2 who remained in the back-seat, gave most of the directions as to where I was to go. He directed me up Pike, one block south on 37th to Cherry and then west on Cherry to 35th. At that point, I wound my way through Leschi area to a corner near Leschi school. I then drove down to Lake Washington Blvd. leading south. As I drove through a wooded area (600) block, Suspect #2 began throwing things out of my purse. Right before he threw things out he asked me why I didn't have any money. I replied that I never carried money, that I wrote checks. Suspect #1 checked my pockets to see if I had any money in them. As we drove through a very deserted area of Lake Washington Blvd, Suspect #2 seemed to know exactly where he wanted me to stop. He had me back up and then pull in on the west side of the road not too far from a big tree. After I stopped the car, suspect #1, reached across the seat to me and started unbuttoning my blouse. When I realized what he wanted to do I told him I didn't want to be raped in front of Colin. So suspect #1 got out of the car with me, carrying the gun while Suspect #2 stayed in the car with Colin. Suspect #1 took me across the road and down into a small hollow where he told me to undress. When I wasn't fast enough for him, he ripped several buttons off my skirt and pulled it off. After I was completely undressed, he told me to lie down in

the leaves. He unzipped or lowered his pants, but didn't undress. He forced me to have sexual intercourse with him and oral sex. This all didn't take much time. He then instructed me to get up and get dressed, but he didn't give me enough time, so I left my hose, shoes, underpants and maybe my skirt in the underbrush. He pulled me back to the car. He got in, gave the gun to Suspect #2, who then took me to the same side of the road that the car was on and forced me to undress again. He then forced me to have sexual intercourse with him. He asked me "if I had ever fucked a nigger before," I said "no." He asked me "if I liked it." I didn't reply, so he asked me again, more insistently, so I said, "yees." He then made me perform oral sex on him and he made me french kiss him. He then pulled me back to the car. He made sure I had my blouse on so I would look presentable when I drove. Between rapes when I was brought back to the car, I realized they suspect #1 had broken my rear view mirror and glass was scattered around even on Colin, who was laying on the floor of the front seat, passenger side of the car.

I was then instructed to drive back the way we had came until we came to Massachucetts where we turned left and went up a steep hill 32nd I think. We then drove to 31st and Jackson 31st & Yesler. We then drove through the Leschi area in which I remember traffic dividers. I am relatively certain we crossed Cherry & drove through some alleys (without lights on) until we stopped about mid-block. Suspect #2 got out to get gloves I think, so he could drive. The two of them had had some discussion about this. Also, at some point suspect #2 mentioned trying to get some money for. We waited for suspect #2 to return. He returned approaching from the front of the car from down the alley.

Colin and I were then put on the floor of the back seat & my head was covered up with my coat. Suspect #2 tried to drive my car. He didn't understand the manual transmission & killed the engine many times, shifted into the wrong gears etc. We then drove around aimlessly. the car radio was turned

up so I couldn't hear their conversation. My feeling is that we couldn't have driven too far because suspect #2 couldn't drive well & it didn't seem too long a time, say 10 min. At some point suspect #2 killed the engine & couldn't get it going. I heard a male voice ask if they needed help. It is my impression that we were pushed for a minute, but Colin and I were cautioned to stay down & keep quiet.

The car then stopped in a parking lot, perhaps in a park. My impression was of trees beside the lot. We were told to stay down while my grocery sacks were shifted from the trunk to the back seat (Suspect #2 had checked the trunk, I believe, when we stopped the 1st time. Colin and I were then put in the trunk and we were driven away. We drove for awhile and stopped someplace where my groceries were unloaded. I heard them carrying sacks. We then drove around again for a brief period of time. Finally, the car was stopped and we heard doors slam & silence. After 5 or 10 minutes we begin yelling & pounding. Finally a man heard us and pried open the trunk of the car & let us out.

FILE NUMBER

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER 78-32647

1-29-78 TIME 1300 PLACE Station

(STAT)EMENT OF: Maurice P Bevemeyer

I was returning from grocery shopping at Safeway in U Village shortly before six. (with my son Colin) I stopped the car left it running in front of the garage door and got out and opened the garage door which was closed but unlocked. I got back in the car and went into the garage. Before I could get out of the car a man opened my car door, pointed a gun at my neck, and told me to move over. At the same time another man climbed into the back seat (suspect #2). Suspect #1 indicated he couldn't drive my car so switched places with me again. He sat in the front seat next to the window beside my son Colin. Suspect #2, who remained in the back seat gave most of the directions to where I was to go. He ~~took~~ directed me up Pike one block, south on 37th to Cherry and then west on Cherry to 35th. At that point I wound my way through Leschi area to a corner near Leschi school. I then drove down to Lake Washington Blvd heading south. As I drove through a wooded area (600 block), suspect #2 began throwing things out of my purse. Right before he threw things out he asked me why I didn't have any money. I replied that I never carried money, that I write checks. Suspect #1 checked my coat pocket to see if I had any money in them. As we drove through a rea[illegible] area of Lake Washington Blvd, suspect #2 seemed to know exactly where he wanted me to stop. He had me back up and then pull in on the west side of the road

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(STATE)MENT TAKEN BY: SIGNED:

(WITNE)SS: WITNESS:

UNIT FILE NUMBER

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER 78-3264

DATE 1-28-78 TIME PLACE

STATEMENT OF: not too far from a big tree. After I stopped the car, suspect #1 reached across the seat to me and started unbuttoning my blouse. When I realized what he wanted to do I told him I didn't want to be raped in front of Colin. So suspect #1 got out of the car with me, carrying the gun while suspect #2 stayed in the car with Colin. Suspect #1 took me across the road and down into a small hollow where he told me to undress. When I wasn't fast enough for him, he ripped some buttons off my shirt and pulled it off. After I was completely undressed he told me to lie down in the leaves. He unzipped or lowered his pants but didn't undress. He forced me to have sexual intercourse with him and oral sex. This all didn't take much time. He then instructed me to get up and get dressed, but he didn't ~~take~~ give me enough time so I left my hose, shoes, underpants, and maybe my shirt in the underbrush. He pulled me back to the car. He got ~~[illegible]~~ gave the gun to suspect #2, who then took me to the same side of the road that the car was on and forced me to undress again. He then forced me to have sexual intercourse with him. He asked me "if I had ever fucked a nigger before." I said "no." He asked me if I liked it. I didn't reply so he asked me again, more insistently so I said "yes". He then made me perform oral sex on him and he made me French kiss him. He then pulled me back to the car. He made sure I had my blouse on so I wouldn't look suspicious when I drove. Between rapes when I was brought back to the car I realized that suspect #1 had broken my rear view mirror and glass was scattered all over.

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STATEMENT TAKEN BY SIGNED

WITNESS

EXHIBIT 1 - witness 2

UNIT FILE NUMBER

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER

DATE TIME PLACE

STATEMENT OF: [illegible] on Colin who was lying on the floor of the front seat passenger side of the car.

[illegible] then instructed I drive back the way we had come until we came to Massachusetts where we turned left & went up the steep hill (32nd, I think.) We then drove to 31st and Jackson & 31st & [illegible]. We then drove through the [illegible] area in which I remember traffic diverters. I [illegible] we crossed Cherry & drove through an alley (without lights on) until we stopped about mid block. Suspect #2 got out to get gloves, I think so he could drive. The two of them had had some discussion about this. Also at some point suspect #2 mentioned having to get some money [illegible]. We waited for suspect #2 to return. He returned approaching from the front of the car from down the alley.

Colin and Duane then put on the floor of the back seat & my head was covered up with my coat. Suspect #2 tried to drive my car. He did not understand the manual transmission & killed the engine [illegible] times, shifted into the wrong gears etc. He then drove around. [illegible] the radio volume was turned up so I couldn't hear their conversation. My feeling is that we couldn't have driven too far because suspect #2 couldn't drive well & it didn't seem too long a time, say 10 min. At one point suspect #2 killed the engine & couldn't get it going. I heard a male voice ask if they needed help. It is my impression that we were parked for a minute but Colin & Duane [illegible] to stay down & keep quiet.

The car then stopped in a parking lot, perhaps in a park. My impression was of trees beside the lot. We were told to stay

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STATEMENT TAKEN BY SIGNED EXHIBIT 1 - 3

UNIT FILE NUMBER

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER 78-32647

DATE 1-28-78 TIME PLACE

STATEMENT OF: down while my grocery sacks were shifted from the trunk to the back seat (Suspect # 2 had checked the trunk I believe, when we stopped the 1st time. Calvin & I were then put in the trunk and we were driven away. We drove for awhile and stopped someplace where my groceries were unloaded. I heard them carrying the sacks. We then drove around again for a brief period of time. Finally the car was stopped and we heard doors slam & silence. After 5 or 10 minutes we began yelling & pounding. Finally a man heard us and pried open the trunk of the car & ~~[illegible]~~ let us out.

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STATEMENT TAKEN BY SIGNED: EXHIBIT 1 - 4

APPENDIX E

1510 - 38th Avenue
Seattle, Washington 98122
May 14, 1978

The Honorable William C. Goodloe
East Wing 746
King County Court House
Seattle, Washington 98104

Dear Judge Goodloe:

I am writing to you in regard to Carl A. Brooks who is to be sentenced by you Friday, May 19, at 8:45 a.m. I'm writing in support of the prosecutor's recommendation of a sentence of eight consecutive life terms with no chance of parole for Mr. Brooks. My son, age 7, and I were kidnapped at gunpoint by Brooks and his companion. I can only say in the strongest possible terms that Brooks is a dangerous man who has no regard for the rights of others. He has hurt the lives of so many people that I find it hard to believe that he could ever be successfully rehabilitated.

Sincerely,

Maureen Bekemeyer

Maureen Bekemeyer

cc: Ms. Joanne Y. Maida

APPENDIX 9

MEMORANDUM TO SENTENCING JUDGE AND BOARD OF PRISON TERMS AND PAROLES

A copy of the second amended information charging the defendants Carl Alonzo Brooks and Ozie Davis Whitfield with the crimes of robbery in the first degree, rape in the first degree, kidnaping in the first degree, murder in the first degree, assault in the first degree, robbery in the first degree, robbery in the first degree and burglary in the first degree, counts I-VIII, to-wit: deadly weapon and a firearm as to all counts, is attached to this report. Also attached is the order permitting filing of the amended information as to Carl Alonzo Brooks only, amending count IV, murder in the first degree to murder in the second degree committed while armed with a deadly weapon and firearm. The defendant pled guilty to counts I-VIII on May 11, 1978 before the Honorable William C. Goodloe. Count IV was amended to murder in the second degree at the time of plea.

The defendant has remained in custody since his arrest on January 30, 1978. His bail is set at $100,000.

His codefendant Ozie Davis Whitfield is scheduled to be sentenced by Judge Shellan on May 16, 1978 at the time of this writing.

HISTORY OF CASE: (See attached map for location of crimes.)

BEKEMEYER INCIDENT (COUNTS I-III)

On January 27, 1978 at approximately 6 p.m. Maureen Bekemeyer and her seven year old son Colin were returning to their Madrona home after shopping at Safeway. Mrs. Bekemeyer pulled her car into the garage of the residence located at 1510 38th Avenue in Seattle. Before she could exit the vehicle, the defendant Carl Alonzo Brooks opened the driver's door,

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CHRISTOPHER T. BAYLEY
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
344-2550

EXHIBIT

shoved a gun at her neck and ordered her to move over. Ozie Whitfield climbed into the back seat. Brooks discovered that he could not drive the car, a 1970 Mercedes 220 (a stick shift), and ordered Mrs. Bekemeyer to exchange seats with him. He then took the front passenger seat and put Colin on the front floor board. Mrs. Bekemeyer was ordered to drive southbound on Lake Washington Boulevard past Leschi Park and Frink Park. In the 600 block of Lake Washington Boulevard, south of Frink Park, Whitfield threw the contents of Mrs. Bekemeyer's purse out the car window, commenting that she didn't have money. Mrs. Bekemeyer was ordered at gunpoint to drive to the 1900 block of Lake Washington Boulevard, Colman Park, and park the car.

Brooks started to unbutton her blouse. Realizing what Brooks wanted to do, she pleaded with him not to rape her in front of her son. Brooks then dragged Mrs. Bekemeyer from the car at gunpoint and left Colin in the vehicle with Whitfield. In the park Brooks ordered Mrs. Bekemeyer to undress. When she was not fast enough for him he ripped off her skirt. When she was completely naked he ordered her to lie down on the ground. He then unzipped his pants and had sexual intercourse with her and in addition ordered her to put her mouth on his penis. At his command she then got partially dressed but, in the defendant's hurry was forced to leave her stockings, shoes, panties and skirt in the area where she had been raped. Brooks dragged her back to the car where he then gave the gun to Whitfield and remained in the car with Colin as Whitfield took Mrs. Bekemeyer back to the park. Mrs. Bekemeyer was again ordered to undress and forced to have sexual intercourse with Whitfield. She was also ordered to put her mouth on his

CHRISTOPHER T. BAYLEY
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
344-2550

penis and also to french kiss him. At his command she then hastily dressed herself and was dragged back to the car. She observed that, between rapes, her rear view mirror had been smashed and glass scattered over Colin who was still on the front floor board of the car.

Mrs. Bekemeyer was then ordered to drive northbound back to the Madrona area. The defendant lived at 910 30th Avenue just a few blocks south of the Bekemeyer residence. She drove through several alleys at the command of the defendant without headlights on and stopped near a yellow house, which is the defendant Brooks' home at 910 30th Avenue. Whitfield discussed with Brooks getting gloves so that Whitfield could drive the car. Whitfield exited and returned a short time later with the gloves. Mrs. Bekemeyer and Colin were then put on the floor of the back seat and covered up with her coat. Whitfield then tried to drive the car but Mrs. Bekemeyer had to tell him how to drive it. He killed the engine several times and shifted into the wrong gears. At one point the car stalled and the Bekemeyers were ordered to stay down as Brooks and Whitfield were assisted by an unknowing motorist for a short while. The radio was then turned up so that Mrs. Bekemeyer could not hear the conversation between Whitfield and Brooks.

Subsequently, Whitfield parked the car and with Brooks' help opened the trunk of the car and removed the groceries therein, placing them in the back seat. They then ordered Mrs. Bekemeyer and Colin into the trunk and resumed driving again. The car made several brief stops at houses. At one point Mrs. Bekemeyer could hear her groceries being unloaded and taken into a house. After further driving, the

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CHRISTOPHER T. BAYLEY
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
344-2550

car was finally abandoned. Mrs. Bekemeyer heard the car door slam, and then silence. After five to ten minutes she and Colin started screaming for help and were assisted by a citizen who found them in the car abandoned at the intersection of 13th and McClellan, a few blocks west of Whitfield's apartment located behind Sick's Stadium. After the citizen pried the trunk open, Mrs. Bekemeyer stood up and said that she and her son had been kidnapped and that she had been raped too. She said she was embarrassed and the citizen observed that she had only a raincoat over a slip and a disheveled blouse on. She had no stockings or shoes and her legs were muddy.

After three hours, the ordeal had finally ended. Police were immediately contacted and responded to the citizen's home. Mr. Bekemeyer took Colin home with him and Mrs. Bekemeyer retraced the crime route with Seattle police officers recovering her credit cards strewn in the 600 block of Lake Washington Boulevard and further recovering her stockings, shoes, panties and skirt in Colman Park in the 1900 block of Lake Washington Boulevard. She was then taken to Group Health Hospital where she was examined and later confirmed to have contacted gonorrhea as a result of the rapes. During the entire three hour incident Mrs. Bekemeyer remembered that Brooks had the gun at all times except when Whitfield took it during the second rape.

The Bekemeyer vehicle was dusted for prints and two matches were made with the palm print and a fingerprint of Brooks which were found in the trunk area of the car. Subsequently both Brooks and Whitfield confessed to the rape, robbery and kidnaping. Brooks said that he really only wanted Bekemeyer's money and blamed Whitfield for wanting to rape her. However, Brooks subsequently admitted raping Mrs. Bekemeyer but denied

CHRISTOPHER T. BAYLEY
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
344-2550

the oral sex with her. He said it was Whitfield who put Mrs. Bekemeyer in the trunk and his fingerprints got on the trunk because he helped Whitfield close it. After they abandoned the car he said they both fled to Whitfield's apartment behind Sick's Stadium. Brooks made this confession after being advised that his fingerprints were lifted from Bekemeyer's car.

PAINTER INCIDENT, (COUNTS IV AND V)

Thirty hours after the Bekemeyer robbery, rape and kidnappings, on January 29, 1978 at approximately 12 midnight, Val and Ann Painter were returning to their home at 5015 South Snoqualmie Street in South Rainier Valley. They returned from a party to the home that they had lived in since 1941. Painter is a former police officer with 36 years of service. He retired from the Seattle Police Department in 1967 and immediately thereafter continued to work as a warrants officer for the Seattle Police Department. As such, Painter was required to carry a gun and up to this time did so at all times. Painter is 62 years old, as was Mrs. Painter.

The Painters pulled up in their car in front of their garage and parked it in the street. Mrs. Painter exited the car to turn on the light in the garage. Painter retrieved his coat from the back seat. He looked over the top of the car to see a young black male run to Mrs. Painter and fall in immediately behind her. The last thing he was to hear his wife say was to scream "Oh God, No, No, No!" Painter observed a revolver in Brooks' hand and knew that instead of a "simple" purse snatch their lives were now in danger. He then saw both his wife and Brooks fall back into the darkness of the garage. On the instincts of a police officer, Painter ran to the outside wall

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CHRISTOPHER T. BAYLEY
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
344-2550

APPENDIX D

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD

OLYMPIA, WASHINGTON

BROOKS, CARL A.	:NAME	
259045	:NUMBER	
ISRB	:INSTITUTION	DECISIONS AND REASONS
1400 PROGRESS REVIEW	:TYPE OF MEETING	
6/24/87	:DATE	
KA & RT	:PANEL MEMBERS	
BOX 77	:DOCKET NUMBER	

BOARD DECISION:

THE BOARD PANEL TAKES THE FOLLOWING ACTION: COUNT 1, MAINTAIN THE MINIMUM TERM AT 240 MONTHS. COUNT 2, MAINTAIN THE MINIMUM TERM AT 300 MONTHS. COUNT 3, MAINTAIN THE MINIMUM TERM AT 300 MONTHS, COUNT 4 AND 5, MAINTAIN THE MINIMUM TERMS AT 240 MONTHS EACH. COUNT 6, MAINTAIN THE MINIMUM TERM AT 240 MONTHS. COUNT 7, REDUCE THE MINIMUM TERM TO 122 MONTHS. COUNT 8, REDUCE THE MINIMUM TERM TO 95 MONTHS. THE NEXT ACTION WOULD BE AN ADMINISTRATIVE PROGRESS REVIEW IN 6/89.

REASONS:

MR. BROOKS HAS AN EXTENSIVE CRIMINAL HISTORY OF ROBBERY AND VIOLENT AND ASSAULTIVE ACTS INCLUDING RAPE AND MURDER. THESE 8 CAUSES COVER 4 SEPARATE INCIDENTS OF RAPE, KIDNAPPING, AND ROBBERY. COUNTS 1, 2, AND 3 INVOLVED ABDUCTING A WOMAN WITH HER 7 YEAR OLD SON IN HER CAR, TAKING HER PURSE, THEN RAPING THE WOMAN TWICE, ONCE BY EACH CO-DEFENDANT AND FORCING HER TO PERFORM ORAL SEX BY MR. BROOKS WHILE THE CO-DEFENDANT HELD THE CHILD AT GUN-POINT. BOTH WERE THEN LOCKED IN THE TRUNK AND THE DEFENDANT TOOK HER GROCERIES AND LEFT THEM LOCKED IN THE TRUNK, ABANDONING THE CAR. THE ORDEAL LASTED SOME 3 HOURS AND THE VICTIM CONTRACTED GONORRHEA. COUNTS 4 AND 5 INVOLVED A MURDER AND ASSAULT IN WHICH A PURSE SNATCHING THAT WENT AWRY. THE VICTIM'S HUSBAND WAS A SEMI-RETIRED POLICE OFFICER AND, WHEN HIS WIFE WAS ACOSTED IN THEIR DARK GARAGE, HE CONFRONTED THE TWO CO-DEFENDANTS AND DREW HIS WEAPON AND ANNOUNCED POLICE. MR. BROOKS WAS USING HIS WIFE AS A SHIELD AND FIRED AT HIM AND THE POLICE OFFICER RETURNED THE FIRE AND SHOT HIS WIFE. SEVERAL SHOTS WERE EXCHANGED AND BROOKS EMPTIED HIS GUN AND FLED. THE POLICE OFFICER RECEIVED TWO SERIOUS CHEST WOUNDS AND WAS IN INTENSIVE CARE FOR QUITE AWHILE. HIS OWN WIFE WAS KILLED BY HIM WHEN HE WAS FIRING AT MR. BROOKS. MR. BROOKS GOT AWAY WITH THE PURSE. THE ROBBERY, COUNT 6, WAS AGGRAVAT-

(CONTINUED ON NEXT PAGE)

CC: INSTITUTION
RESIDENT
FILE

PB 213

87

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1403

EXHIBIT 46

INMATE

October 27, 2020 - 9:15 AM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	97689-9
Appellate Court Case Title:	Personal Restraint Petition of Carl Alonzo Brooks

DOC filing of Brooks Inmate DOC Number 259045

The following documents have been uploaded:

- 976899_20201027091501SC537089_6699_InmateFiling.pdf {ts '2020-10-27 09:10:43'}

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The DOC Facility Name is Coyote Ridge Corrections Center.
The Inmate The Inmate/Filer's Last Name is Brooks.
The Inmate DOC Number is 259045.
The CaseNumber is 976899.
The Comment is 1of1.
The entire orginal email subject is 05,Brooks,259045,976899,1of1.
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- wapofficemai@washapp.org
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