



**IN THE DISTRICT COURT OF APPEAL
FIFTH DISTRICT OF FLORIDA**

DORIAN RAFAEL ROMERO,

APPELLANT,

v.

THE STATE OF FLORIDA

APPELLEE.

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:
: CASE No. 5D14-1709
:

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: CASE NOS. 2008-CF-8896-B, 2008-
: CF-8898-B, 2008-CF-8899-A, 2008-
: CF-8902-A, 2008-CF-9669-B, 2008-
: CF-9655-A

**BRIEF OF AMICI CURIAE JUVENILE LAW CENTER, CAMPAIGN FOR
YOUTH JUSTICE, CENTER ON CHILDREN AND FAMILIES,
CENTRAL FLORIDA ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS, AND SOUTHERN JUVENILE DEFENDER CENTER
IN SUPPORT OF APPELLANT DORIAN RAFAEL ROMERO**

APPEAL FROM THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT,
ORANGE COUNTY, FLORIDA

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I. Statement of Identity and Interest

The other organizations submitting this brief work on behalf of adolescents in a variety of settings, including adolescents involved in the juvenile and criminal justice systems. *Amici* are advocates and researchers who have a wealth of experience and expertise in providing for the care, treatment, and rehabilitation of youth in the child welfare and justice systems. *See* Appendix for a list and brief description of all *Amici*.

This case involves a significant issue regarding the juvenile criminal justice system in Florida, with potential statewide impact. *JLC et al.*'s *amicus* brief highlights the vital constitutional importance of access to the courts, and the unique challenges facing adolescents in need of such access.

II. Summary of Argument

The jurisdictional limitations set forth in Florida Rule of Criminal Procedure 3.850(b) must be tolled when an incarcerated individual lacks access to the courts. *Demps v. State*, 696 So. 2d 1296 (Fla. 3d DCA 1997). The United States Supreme Court has made clear that access to the courts does not depend on an individual methodology, such as the provision of a law library. *Lewis v. Casey*, 518 U.S. 343, 351 (1996). Rather, the access must

be tailored to confer upon the individual the capability of challenging his or her sentence or conditions. *Id.* at 355.

The Supreme Court has recognized, in a wide array of legal contexts, that adolescents are different than adults. Adolescents are not as culpable as adults. *Miller v. Alabama*, 132 S.Ct. 2455 (2012); *Graham v. Florida*, 560 U.S. 48 (2010); *Roper v. Simmons*, 543 U.S. 551 (2005). They deserve different protections than adults. *J.D.B. v North Carolina*, 131 S.Ct. 2394 (2011). Most importantly, they cannot be expected to comply precisely with procedural expectations created for adults. *Id.*

Social science research further supports these findings, demonstrating that adolescents have neither the legal experience nor the cognitive capabilities to access the courts without significant adult support and guidance from counsel. *See, e.g.*, Elizabeth S. Scott & Thomas Grisso, *The Evolution of Adolescence: A Developmental Perspective on Juvenile Justice Reform*, 88 J. CRIM. L. & CRIMINOLOGY 137, 169-70 (1997). Access to the courts for adolescents therefore requires the support of an adult legal advocate.

Because Dorian Romero was an adolescent with no attorney, no other adult tasked with advocating for him, and had not even been informed by his own attorney that he had a right to appeal, he lacked adequate access to the

courts. The jurisdictional limitations should therefore be tolled during the period of his minority.

III. Argument

Florida Rule of Criminal Procedure 3.850's jurisdictional limitations should have been tolled during Dorian's minority, because an unrepresented minor held in an adult facility and not informed of the right to appeal lacks access to the courts. Rule 3.850 provides the procedure for seeking relief from judgment, but mandates that the process must be initiated within the two years following final judgment and sentencing. In *Demps v. State*, 696 So. 2d 1296 (Fla. 3d DCA 1997), the Third District Court of Appeal created an exception, holding that pursuant to both Florida and federal constitutional rights, Rule 3.850's time limitation is tolled during the time that a defendant lacks access to the courts – in that case, because the prisoner had no access to relevant legal materials. The court recognized the constitutional importance of the right of access to the courts. It explained, “it would be a violation of Demps' right of access to court under the Florida and federal constitutions to hold that his motion for post-conviction relief is time-barred given that he did not have access to Florida legal materials, or a reasonable alternative, for the entire period within which he had to file the motion.” *Id.* at 1299.

The court relied on the Florida Supreme Court’s holding that “nothing in our law suggests that the two-year limitation must be applied harshly or contrary to fundamental principles of fairness,” concluding that “[t]he fundamental guarantees enumerated in Florida's Declaration of Rights should be available to all through simple and direct means, without needless complication or impediment, and should be fairly administered in favor of justice and not bound by technicality.” *Id.* at 1299 n.5 (quoting *Haag v. State*, 591 So. 2d 614, 616 (Fla. 1992)).

Even more than an adult without access to legal materials, an unrepresented adolescent lacks access to the courts, as teenagers lack knowledge and experience with the legal system, and are substantially less likely than adults to understand their legal rights. An unrepresented minor’s incomplete and immature development has the same effect as Demps’ lack of physical access to a legal library, both preventing adequate access to the courts in violation of fundamental constitutional rights. Until he reached the age of majority, Dorian therefore lacked access to the courts.¹

¹ There is no transcript of the sentencing hearing. However, even assuming that the trial court advised Dorian of his right to appeal during its standard colloquy, that alone would not create adequate access to the courts. As discussed *supra*, Dorian’s juvenile developmental status necessarily

A. The United States Constitution Guarantees the Fundamental Right of Access to Court, which Requires the Consideration of Individual Circumstances.

The United States Supreme Court is clear that prisoners must be given access to the court for the purposes of challenging their convictions, their incarceration, or their conditions of confinement. The Court has clarified that its own precedent

does not guarantee inmates the wherewithal to transform themselves into litigating engines capable of filing everything from shareholder derivative actions to slip-and-fall claims. The tools it requires to be provided are those that the inmates need in order to attack their sentences, directly or collaterally, and in order to challenge the conditions of their confinement.

Lewis, 518 U.S. at 355. See *Bounds v. Smith*, 430 U.S. 817, 821 (1977) (holding that “[i]t is now established beyond doubt that prisoners have a constitutional right of access to the courts,” including a right to file petitions for habeas corpus or to file appeals), *overruled on other grounds by Lewis*, 518 U.S. 343. Dorian was deprived of just such opportunity.

The United States Supreme Court also requires that access to the courts must be tailored to the capacity of the individual seeking access. Inmates are not entitled to a “particular methodology” of access to the courts, but instead

minimized his ability to understand or act upon this legal right without assistance.

must be granted “the conferral of a capability—the capability of bringing contemplated challenges to sentences or conditions of confinement before the courts.” *Lewis*, 518 U.S. at 356. The Court has held, therefore, that the “constitutional right to help” for illiterate adults would include “at least allowing assistance from their literate fellows” because they were unable to present their own claims in writing to the courts. *Bounds*, 430 U.S. at 823-24. Similarly, the Supreme Court has established that inmates who cannot afford court fees must be allowed to file appeals or writs of *habeas corpus* without paying the fees, *Burns v. Ohio*, 360 U.S. 252 (1959), *Smith v. Bennett*, 365 U.S. 708 (1961), and that inmates who need transcripts but cannot afford them must be provided with needed records, *Griffin v. Illinois*, 351 U.S. 12 (1956).

Ensuring access to the courts for juveniles requires the particular assistance that will enable them communicate with the courts. The Sixth Circuit has therefore concluded that for juveniles, the right of access to courts to challenge a sentence must include access to an attorney to provide assistance. *See John L. v. Adams*, 969 F.2d 228, 230 (6th Cir. 1992). The federal district court for the Southern District of Mississippi similarly affirmed that providing an attorney to youth in need of access to the courts met the constitutional standard. *Morgan v. Sproat*, 432 F. Supp. 1130, 1159

(S.D. Miss. 1977). It explained that “without assistance the students could not make effective use of legal materials.” *Id.* at 1158.²

Because Dorian lacked access to an attorney, was never told by his attorney that he had a right to appeal, and was incarcerated as an adolescent, he lacked access to the courts.

B. Supreme Court Jurisprudence on Adolescents Makes Clear that a Juvenile’s Status Must Be Considered in Determining Access to Court

The Supreme Court has repeatedly recognized that the differences between adolescents and adults make youth more vulnerable than adults, and therefore entitled to legal protections tailored to their particular needs. *Miller*, 132 S.Ct. 2455 (2012); *Graham*, 560 U.S. 48 (2010); *Roper*, 543 U.S. 551 (2005). This line of cases confirms that juvenile status must be taken into account when analyzing the right of access to court.

In holding that youth are entitled to counsel in juvenile delinquency proceedings, in *In re Gault*, 387 U.S. 1 (1967), the Supreme Court emphasized

² While these cases preceded the Supreme Court’s decision in *Lewis v. Casey* that prisoners must be given only a “reasonably adequate opportunity” to present their claimed violations, in *Lewis*, as well, the Court recognized that access must be appropriate to the needs and capacities of the individual. *Lewis*, 518 U.S. at 356-57.

the extent to which youth depend on attorneys, to guide them through legal proceedings:

The juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether he has a defense and to prepare and submit it.

Gault, 387 U.S. 1 at 36. In the decades since *Gault*, the scope and importance of the representation of counsel for juveniles has been repeatedly recognized and codified in national standards.³ The underlying principle is that children,

³ See American Council of Chief Defenders & National Juvenile Defender Center, *Ten Core Principles for Providing Quality Delinquency Representation through Indigent Defense Delivery Systems* (January 2005), available at http://www.njdc.info/pdf/10_Principles.pdf [hereinafter *Ten Core Principles*]; Am. Bar Ass'n, et al., *Justice Cut Short: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Ohio*, Chapter 6: Recommendations (March 2003) available at http://www.njdc.info/pdf/Ohio_Assessment.pdf [hereinafter *Justice Cut Short*] (recommending that the Governor and Legislature should enact and implement an unwaivable right to counsel for all children and youth for every stage of delinquency and unruly proceedings, including probation revocation hearings where loss of liberty is a possible outcome); Inst. of Judicial Admin. & Am. Bar Ass'n, *Juvenile Justice Standards: Standards Relating to Pretrial Court Proceedings* (1980) [hereinafter *Standards Relating to Pretrial Court Proceedings*] (calling for the effective assistance of counsel at all stages of the proceeding and advising that the right to counsel should attach as soon as possible, and advocating that the juvenile should have the mandatory and unwaivable right to effective assistance of counsel at all stages of the proceedings); Patricia Puritz, et al, Am. Bar Ass'n Juvenile Justice Center, *A Call for Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings* (1995) [hereinafter *A Call for Justice*] (standards of representation should guarantee that every juvenile has

even more than adults, need assistance in navigating the legal system. “The bundle of vulnerabilities [usually attributed to youth] bears directly and affirmatively on the children’s need for appointed counsel.” Catherine J. Ross, *From Vulnerability to Voice: Appointing Counsel for Children in Civil Litigation*, 64 *FORDHAM L. REV.* 1571, 1595 (1996). “[T]hose vulnerabilities should not be understood only as disabilities that justify outsider status and voicelessness...the vulnerabilities of children support the appointment of counsel for children who are incapable of making considered decisions.” *Id.* at 1618.

counsel, that the right to counsel is not waived, and that the juvenile is represented from the earliest stages of the proceeding through post-disposition stages); National Ass’n of Counsel for Children, *NACC Policy Agenda: Juvenile Justice Policy*, May 17, 1997, available at www.naccchildlaw.org/policy/policy_agenda.html (juveniles accused of offenses should be represented by competent counsel in all court proceedings, including post-disposition proceedings); National Advisory Commission on Criminal Justice Standards, *Juvenile Justice Standards Relating to Interim Status* (1980), Standard 7.6C (right to counsel at each stage of formal juvenile justice process); National Council of Juvenile and Family Court Judges, *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* at 25 (2005) available at www.ncfcj.org/content/view/411/411/ [hereinafter *Juvenile Delinquency Guidelines*] (holding delinquency judges responsible for providing children with access to counsel at every stage of the proceedings, from before the initial hearing through post-disposition and re-entry).

In a variety of other contexts, as well, the Supreme Court has been clear that children need additional protections in their interaction with the juvenile or criminal justice system. The Court has held, for example, that the determination of whether an individual is in custody for *Miranda* purposes requires consideration of the suspect's age, *J.D.B.*, 131 S.Ct. 2394 (2011), and that a reasonable juvenile must be distinguished from a reasonable adult. *Id.* at 2403. In explaining its decision, the Court recognized the tradition in American law of distinguishing youth and adults because of their differing capacities:

The law has historically reflected the... assumption that children characteristically lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them. See, e.g., 1 W. Blackstone, Commentaries on the Laws of England *464–*465 (hereinafter Blackstone) (explaining that limits on children's legal capacity under the common law “secure them from hurting themselves by their own improvident acts”). Like this Court's own generalizations, the legal disqualifications placed on children as a class— e.g., limitations on their ability to alienate property, enter a binding contract enforceable against them, and marry without parental consent—exhibit the settled understanding that the differentiating characteristics of youth are universal.

J.D.B., 131 S.Ct. at 2403-04 (footnote omitted). The Court then emphasized its own precedent of recognizing the legally relevant distinctions between youth and adults:

Time and again, this Court has drawn these commonsense conclusions for itself. We have observed that children “generally are less mature and responsible than adults,” *Eddings*, 455 U.S., at 115-16, 102 S.Ct. 869; that they “often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them,” *Bellotti v. Baird*, 443 U.S. 622, 635, 99 S.Ct. 3035, 61 L.Ed.2d 797 (1979) (plurality opinion); that they “are more vulnerable or susceptible to ... outside pressures” than adults, *Roper*, 543 U.S., at 569, 125 S.Ct. 1183; and so on. See *Graham v. Florida*, 560 U.S. —, —, 130 S.Ct. 2011, 2026, 176 L.Ed.2d 825 (2010)(finding no reason to “reconsider” these observations about the common “nature of juveniles”).

Id. at 2403.

While *J.D.B.* elevated the conversation about the connection between developmental status and rights during custodial interrogation, and linked the decision to recent brain research, *see J.D.B.*, 131 S.Ct. at 2403 n.5, early Supreme Court cases on juvenile confessions also made clear that adolescents are at a distinct disadvantage in their interactions with the criminal justice system. In *Gallegos v. Colorado*, 370 U.S. 49 (1962), for example, the Court found unconstitutional the admission of the confession of a fourteen year old held for five days without access to his parents, lawyers or a judge. Recognizing the relevance of age, the Court reasoned that the juvenile “cannot be compared with an adult in full possession of his sense and knowledgeable of the consequences of his admissions.” *Id.* at 54. Without advice as to his rights or the benefit of more mature judgment, the Court found that the

juvenile “would have no way of knowing what the consequences of his confession were” or “the steps he should take in the predicament in which he found himself.” *Id.* Thus the Court highlighted that a teenager’s limited understanding of the legal system puts the youth at a disadvantage. Gallegos was “not equal to the police in knowledge and understanding of the consequences of the questions and answers being recorded” and therefore was “unable to know how to protect his own interests or how to get the benefits of his constitutional rights.” *Id.* To interrogate a fourteen-year-old boy during a five-day detention would be “to treat him as if he had no constitutional rights.” *Id.* at 55.

Similarly, in *Haley v. Ohio*, 332 U.S. 596 (1948), the Supreme Court recognized that a youth’s developmental status informed the legal analysis regarding whether a confession was coerced.

Age 15 is a tender and difficult age for a boy of any race. . . That which would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens. This is the period of great instability which the crisis of adolescence produces. A 15-year old lad, questioned through the dead of night by relays of police, is a ready victim of the inquisition. Mature men possibly might stand the ordeal . . . But we cannot believe that a lad of tender years is a match for the police in such a contest.

Id. at 599-600. *See also Gault*, 387 U.S. at 45 (finding that confessions of juveniles require “special caution”).

Over the past nine years, U.S. Supreme Court cases have repeatedly emphasized the importance of distinguishing youth and adults, the importance of developmental research to legal analysis, and the protective position courts must take regarding youth. For example, in decisions interpreting juveniles' rights under the Eighth Amendment, the Supreme Court has concluded that adolescents' lack of maturity affects their decision-making capacity such that youth must be treated differently from adults for sentencing purposes. *See Graham*, 560 U.S. 48 (2010) (holding that juvenile offenders are considered categorically less culpable than adults and thus cannot be sentenced to life in prison without parole for non-homicide crimes); *Roper*, 543 U.S. 551 (2005) (holding that the death penalty cannot be applied to offenders who were under the age of eighteen when their crimes were committed due to their diminished culpability). These decisions rest not only on differing notions of culpability, but also on the recognition of juveniles' inadequate understanding of the criminal justice system and how to navigate it. *See Graham*, 560 U.S. at 96 (2010) (noting that juveniles' limited understanding puts them at a "significant disadvantage in criminal proceedings"). These cases all support the conclusion that an incarcerated young person lacks access to the courts unless he or she is provided with specific supports and assistance.

C. Adolescents' Immature Developmental Status and Lack of Experience Impairs Their Access to Court

Adolescents' immature developmental status and lack of understanding of the legal system impairs their capacity to file appeals, track limitation deadlines, or reach out to lawyers for assistance. Adolescents, particularly younger adolescents, do not understand a lawyer's role, lack knowledge of how the criminal justice system operates, and don't fully understand the abstract concept of legal rights. Although all states provide that youth may be tried and sentenced as adults, when it comes to interacting with the legal system, teenagers are generally substantially less capable than adults.

While an adult may know to seek assistance from a lawyer, a child will often not fully understand the role of the lawyer. "A lawyer is not a normal figure in a child's life. Children are familiar with teachers, with doctors and nurses, and sometimes other professionals, like social workers and therapists, who are involved in their families' lives. But lawyers are not a part of the lexicon." Emily Buss, *You're My What? The Problem of Children's Misperceptions of their Lawyers' Roles*, 64 *FORDHAM L. REV.* 1699, 1726 (1996) (describing the role of lawyers for children in the dependency system).

Similarly, an adolescent will generally have a poor comprehension of the legal system. As researchers Elizabeth Scott and Thomas Grisso have explained:

Studies of delinquent youths' understanding of the trial process and capacity to assist counsel have found important deficiencies, often distinguishing these juveniles from adults and from "average" adolescents. Compared to adults, both delinquent and non-delinquent adolescents who have lower intelligence test scores, problematic educational histories, learning disabilities, and mental disorders have shown poorer comprehension of basic information about the legal process. Other evidence has suggested that delinquent youths' experience with courts, attorneys, and law enforcement officers does not reliably compensate for these tendencies toward poorer understanding of information related to the trial process and rights.

Elizabeth S. Scott & Thomas Grisso, *The Evolution of Adolescence: A Developmental Perspective on Juvenile Justice Reform*, 88 J. CRIM. L. & CRIMINOLOGY 137, 169-70 (1997) (internal citations omitted). This lack of knowledge about the legal system creates a lack of access to the courts; without an understanding how the legal system functions, particularly when not advised of the right to appeal by an attorney, an incarcerated young person will not know how or when to seek relief from the courts.

Indeed, even if a young person has experience with the legal system, he or she will lack capacity to fully comprehend core legal concepts. The largest body of research on adolescents' capacity to understand legal concepts

focuses on comprehension of *Miranda* warnings. Decades ago, researchers first demonstrated that juveniles, especially those under the age of 16, do not understand the words of *Miranda* warnings as adults do, and do not appreciate the significance and function of *Miranda* rights. See Thomas Grisso, *Juveniles' Capacities to Waive Miranda Warnings: An Empirical Analysis*, 68 CAL. L. REV. 1134, 1134-66 (1980) (hereinafter *Juveniles' Capacity to Waive*).⁴ Researchers have found, for example, that 96% of 14 year olds do not have an adequate understanding of the consequences of waiving their rights.⁵ *Id.* In a study on minors' comprehension of waiving their right to

⁴ Numerous subsequent studies document cognitive and decision-making impairments relevant to juvenile competency to stand trial and juvenile's comprehension of waiving the right to trial. The 2003 MacArthur Juvenile Adjudicative Competence Study involved 900 youths and 450 adults and found that those juvenile's 15 years old and younger were three times more likely than young adults to have serious deficiencies in their understanding or reasoning about trial processes and defendant decisions. Thomas Grisso, *Double Jeopardy: Adolescent Offenders with Mental Disorders* 107 (2004).

⁵ Researchers have also found that only 20.9% of juveniles as compared to 42.3% of adults, understand the *Miranda* warnings; 55.3% of juveniles as compared to 21.3% of adults failed to understand at least one of the warnings; 63.3% of juveniles, as compared to 37.3% of adults, fail to understand at least one "critical" word in standard *Miranda* warnings. Among juveniles, the least understood warning is the right to consult with an attorney prior to responding to police questioning. See *Juveniles' Capacities to Waive*, *supra*, at 1134-66; Juvenile Competency Commission, Final Report and Recommendations of the Juvenile Competency Commission, at 81-88 (Aug. 2001).

trial, a group of 50 juveniles, with an average age of 15 years, could correctly define only 5.5% of the common legal terms used in the plea colloquy. Barbara Kaban & Judith C. Quinlan, *Rethinking A “Knowing, Intelligent, and Voluntary Waiver” in Massachusetts’ Juvenile Courts*, 5 J. Center for Families, Child. & Cts. 35, 42 (2004).

This is not simply a question of a lack of information or experience. Adolescents do not understand their *Miranda* rights because during the teenage years, youth are just beginning to develop the abilities to think abstractly, to consider alternative possibilities, and to form and test hypotheses about the world around them. Stanley I. Greenspan & John F. Curry, *Extending Piaget’s Approach to Intellectual Functioning*, in 1 COMPREHENSIVE TEXTBOOK OF PSYCHIATRY 402, 406-07 (Harold I. Kaplan & Benjamin J. Sadock eds., 7th ed. 2000). *See also* Barry C. Feld, *Competence, Culpability, and Punishment: Implications of Atkins for Executing and Sentencing Juveniles*, 32 HOFTSTRA L. REV. 463, 525-27 (2003); *Kids are Different: How Knowledge of Adolescent Development Theory can Aid Decision-Making in Court* 7 (L. Rosado ed., 2000); Scott & Grisso, *supra*, at 157. As one developmental psychologist has observed, “[d]uring the time these processes are developing, it doesn’t make sense to ask the average adolescent to think or act like the average adult, because he or she can’t – any

more than a six-year-old child can learn calculus.” Laurence Steinberg, *Juveniles on Trial*, 18 Crim. Just. 20, 22 (Fall 2003)

Given juveniles’ limited comprehension of the legal system, it is even more apparent why a young person with no assistance, particularly one who received no information or advice from his own attorney about his right to an appeal, does not have access to the courts. Like an adult deprived of legal books and materials, as in *Demps*, a juvenile without an attorney cannot be expected to understand his right to appeal or to comprehend that there might be a jurisdictional time limitation that would affect his access to the legal system. *Demps*, 696 So. 2d, 1298-99.

IV. Conclusion

Wherefore, Amici respectfully request that this Court recognize that juvenile status tolls the time limitations under Rule 3.850.

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V. Appendix

Founded in 1975 to advance the rights and well-being of children in jeopardy, **Juvenile Law Center (“JLC”)** is the oldest multi-issue public interest law firm for children in the United States. JLC pays particular attention to the needs of children who come within the purview of public agencies – for example, abused or neglected children placed in foster homes, delinquent youth sent to residential placement facilities or adult prisons, and children in placement with specialized service needs. JLC works to ensure that children are treated fairly by the systems that are supposed to help them, and that children receive the treatment and services that these systems are supposed to provide. JLC also works to ensure that children’s rights to due process are protected at all stages of juvenile court proceedings, from arrest through appeal, and that the juvenile and adult criminal justice systems consider the unique developmental differences between youth and adults in enforcing these rights.

JLC participates as *amicus curiae* in state and federal courts throughout the country, including the United States Supreme Court, in cases addressing the rights and interests of children, and specifically on the issue of individualized determinations before transfer from juvenile court to adult court. Juvenile Law Center recently served as *amicus* counsel in *Ohio v.*

Quarterman, Case No. 2013-1591 (Ohio Oct. 7, 2013), and *Illinois v. Pacheco*, Case No. 116402 (Ill. Sept. 23, 2013), two cases that also considered questions related to the transfer of minors from juvenile to adult court.

The **Campaign for Youth Justice (“CFYJ”)** is a national organization created to provide a voice for youth prosecuted in the adult criminal justice system. The organization is dedicated to ending the practice of trying, sentencing, and incarcerating youthful offenders under the age of 18 in the adult criminal justice system; and is working to improve conditions within the juvenile justice system. CFYJ creates awareness of the negative impact of prosecuting youth in the adult criminal justice system and of incarcerating youth in adult jails and prisons and promotes researched-based, developmentally-appropriate rehabilitative programs and services for youth as an alternative. CFYJ also provides research, training and technical assistance to juvenile and criminal justice system stakeholders, policymakers, researchers, nonprofit organizations, and family members interested in addressing the unique needs of youth prosecuted in the adult system.

The **Center on Children and Families (“CCF”)** at the University of Florida Fredric G. Levin College of Law in Gainesville, Florida is an

organization whose mission is to promote the highest quality teaching, research and advocacy for children and their families. CCF's directors and associate directors are experts in children's law, constitutional law, criminal law, family law, and juvenile justice, as well as related areas such as psychology and psychiatry. CCF supports interdisciplinary research in areas of importance to children, youth and families, and promotes child-centered, evidence based policies and practices in dependency and juvenile justice systems. Its faculty has many decades of experience in advocacy for children and youth in a variety of settings, including the Virgil Hawkins Civil Clinics and Gator Team Child juvenile law clinic.

The Central Florida Association of Criminal Defense Lawyers (“CFACDL”) is the Central Florida affiliate of the Florida Association of Criminal Defense Lawyers, a statewide organization dedicated to serving and promoting the interests and ideals of criminal defense lawyers. CFACDL promotes those ideals and strives to help ensure that individuals who find themselves accused of criminal conduct are provided with due process and all the protections guaranteed by the United States and Florida Constitutions. CFACDL's mission includes improving the criminal justice system through the judicial, legislative, and executive levels.

The **Southern Juvenile Defender Center (“SJDC”)** is the regional affiliate of the National Juvenile Defender Center serving the states of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. SJDC provides training, support, and resources to juvenile defenders and their clients by helping to compile and analyze juvenile indigent defense data, facilitating targeted continuing legal education training and technical assistance for attorneys, and providing case support specifically designed for complex and high-profile cases. SJDC's Director and Advisory Committee members are experts in juvenile defense, children's law, constitutional law, criminal law, and juvenile justice broadly. SJDC Advisory Committee members have many decades of experience in advocacy for children and youth in a variety of settings, including direct representation in delinquency, dependency, and direct file cases; clinical and doctrinal faculty at law schools in the region; and as specialist administrators and advisors for government and non-profit organizations.

VI. Certificate of Service

I HEREBY CERTIFY that on July 07, 2014 I caused to be served via the electronic filing system (eDCA) of the Fifth District Court of Appeal a true and correct copy of the foregoing document with the Clerk of the Florida Fifth District Court of Appeal and to:

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I further certify that I caused to be served via electronic mail a true and correct copy of the foregoing document to:

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/s/ Marsha L. Levick
Marsha L. Levick, Esq.

VII. Certificate of Compliance

I certify that the Brief of *Amici Curiae* Juvenile Law Center *et al.* in Support of Appellant Dorian Rafael Romero complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2). The brief has been prepared using Times New Roman 14-point font, according to the word processing program.

/s/ Marsha L. Levick
Marsha L. Levick, Esq.