

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent

v.

MICHAEL F.,
Appellant.

Supreme Court No. 94206-4
COA No. 33568-2-III

MOTION TO USE INITIALS

I. IDENTITY OF MOVING PARTY

Pursuant to RAP 3.4, GR 15(c), GR 31, and in the interest of respecting the privacy and confidentiality of the juvenile appellant, Michael F. asks that this court use initials in the title of the case and in all filings.

II. GROUND FOR RELIEF SOUGHT

Pursuant to RAP 3.4, this Court may re-caption a case based on a motion by the parties. Michael requests the court to re-caption this case and use only his initials or first name in court documents. Such designation is consistent with the practice in other cases involving juvenile appellants. State. *E.g.*, *State v. E.K.P.*, 162 Wn. App. 675, 676 n.1, 255 P.3d 870 (2011) (changing title of case to initials of juvenile appellant “to protect her privacy interests”); *State v. Beadle*, 173 Wn.2d 97, 100 n.1, 265 P.3d 863 (2011) (referring to minor victim by

initials); *State v. Parris*, 163 Wn. App. 110, 114 n.2, 259 P.3d 331 (2011) (“It is appropriate to provide some confidentiality in this case. Accordingly, it is hereby ordered that initials will be used in the body of the opinion to identify juveniles involved.”).

Other than this conviction, Michael has no criminal history. With the stigma of a public record of his case, potentially in a published opinion, it will be far harder for him to continue his education, find employment, and secure housing. This not only impacts Michael, but also his community. When the legislature added great sealing protection for some juveniles, they found “the public has a compelling interest in rehabilitation and the successful reintegration into society as active, law-abiding, and contributing members of their community.” H.B. 1651, 2014 Regular Session (Wa. 2014).

In fact, the primary reason for re-captioning a case when initials were not used in the trial court is because the filings and the opinions in this case are publicly available and accessible online and are of a greater public nature than filings made in the juvenile court. Using initials is also consistent with RCW 13.50.260, which provides for automatic sealing of the juvenile court record, unless there is an objection to the sealing or the court notes a compelling reason not to

seal, in which case, there shall be a hearing on whether sealing should be allowed. Unlike juvenile court, there is no such provision to seal appellate court records. See RCW 13.50.260. Thus, there is little protection of a juvenile's privacy if the parties or court refer to minors by their full names.

III. CONCLUSION

In accordance with this Court's practice of respecting the privacy and confidentiality of juvenile appellants, Michael respectfully requests the Court use initials in the case name and initials or first names in publicly available documents which refers to the parties by their full names.

DATED this 17th day of February 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Stearns', with a long horizontal flourish extending to the right.

TRAVIS STEARNS (WSBA 29935)
Washington Appellate Project (91052)
Attorneys for Appellant

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
RESPONDENT,)
)
v.) NO. 33568-2-III
)
M.R.F.,)
)
JUVENILE APPELLANT.)

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 17TH DAY OF FEBRUARY, 2017, I CAUSED THE ORIGINAL **MOTION TO USE INITIALS** TO BE FILED IN THE **COURT OF APPEALS - DIVISION THREE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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PO BOX 1130	
OKANOGAN, WA 98840-1130	

SIGNED IN SEATTLE, WASHINGTON THIS 17TH DAY OF FEBRUARY, 2017.

X _____


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