Supreme Court No. 97954-5
COA No. 35957-3-III

IN THE SUPREME COURT

OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff/Respondent

v.

T.M.,

Defendant/Petitioner.

ANSWER TO DEFENDANT'S PETITION FOR REVIEW

LAWRENCE H. HASKELL
Spokane County Prosecuting Attorney

Brett Pearce
Deputy Prosecuting Attorney
Attorneys for Respondent

County-City Public Safety Building
West 1100 Mallon
Spokane, Washington 99260
(509) 477-3662

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I. IDENTITY OF PARTY AND INTRODUCTION

Respondent, State of Washington, respectfully requests that this Court deny review of the Court of Appeals, Division Three, unpublished decision in case number 35957-3-III, filed November 7, 2019, attached as an Appendix to T.M.'s petition for review.

II. STATEMENT OF THE CASE

T.M., a fourteen-year-old male, was charged with one count of second degree assault in the juvenile department of the Spokane County Superior Court. CP 37. The information charged T.M. with second degree assault, either by strangulation or by reckless infliction of substantial bodily harm. CP 37. After an adjudicatory hearing, the trial court found T.M. had committed the offense.

On June 2, 2017, at the end of the school day, eighth graders T.M., A.C., and B.S., along with other classmates, and substitute teacher, Cody Ableman, returned to the classroom from playing outdoors. CP 86. A.C. sat on a desk and spoke with B.S. CP 88. B.S. observed T.M. walk up to A.C. from behind and place him in a choke hold; T.M. said nothing to A.C. before doing so. CP 87. A.C. felt pain and was unable to breathe; B.S. believed A.C. was afraid. CP 87-88. B.S. estimated T.M. squeezed A.C.'s neck for approximately ten to fifteen seconds. CP 87. T.M., who admitted to placing A.C.'s neck in a "wrestling hold," estimated he held the "hold"

for five to ten seconds. CP 89. B.S. was shocked as he watched T.M. with his arm around A.C.'s neck. CP 88.

Mr. Ableman was stacking chairs when he heard T.M. say, "Don't tap out." CP 86. Mr. Ableman turned to observe T.M. behind A.C. squeezing A.C.'s neck with one arm, with his other arm holding the first in place around A.C.'s neck. CP 86. Mr. Ableman yelled at T.M. to let go of A.C.; T.M. complied and A.C. fell to the ground, unconscious. CP 86. T.M. testified that he released A.C. because he felt A.C. "get heavy." CP 89. B.S. testified T.M. said, "fight 'til you tap out." CP 87. T.M. testified he said "something" to A.C. about "tapping out." CP 89.

A.C. had no memory of the event, other than waking up on the floor. CP 88. After A.C. stood up, he was bleeding profusely from a gash under his chin that required six sutures; he also sustained a cut to his nose. CP 86. The defendant stipulated that A.C.'s injuries, which included a fractured jaw that was wired shut for six weeks, constituted "substantial bodily harm." CP 88. There was no animosity between T.M. and A.C. CP at *passim*; RP at *passim*. Multiple witnesses believed T.M. to be remorseful and apologetic. CP 87-89.

T.M. and B.S. had been on the school's wrestling team. CP 87. The maneuver used by T.M. on A.C. was not an official wrestling move taught by their wrestling coach. CP 87. T.M. admitted that the choke hold he used

was a "pro wrestling" or "UFC" (Ultimate Fighting Championship) move. CP 89. T.M. had seen the move in UFC fights, and acknowledged that the referee usually stops the fight when the move is applied. CP 89. T.M. also knew, prior to the incident, that this choke hold could cause a person to cease breathing, and could result in unconsciousness. CP 89. However, he applied the move to A.C. because he wanted to illustrate the move to a friend. CP 89. T.M. did not intend to cut off A.C.'s blood or air flow, but intended to control A.C.'s body. CP 89. T.M. testified that he believed he had permission to place A.C. in the choke hold as long as he did not hurt A.C. because it is common among the boys at his school to roughhouse by pushing, shoving, and playing punching games. CP 89.

In addition to hearing testimony from the above witnesses, the court also heard testimony from Dr. Paul Wert, a psychologist. CP 90. Dr. Wert testified, and the court found, that many adolescent brains are not totally developed until they are in their 20s. *See* RP (Feb. 13, 2018) 50-61. Dr. Wert testified, and the court also found, that lack of brain development and hormones can affect decision making, especially in young males. CP 90.

Both parties argued to the court that the statutory definitions of reckless and intent contained in RCW 9A.08.010 applied. RP (Feb. 13, 2018) 65, 68, 74. Based on its findings of fact, the trial court found T.M.

guilty, and determined the State had proven both alternative means beyond a reasonable doubt. CP 92. In reaching this conclusion, the court determined T.M. intentionally assaulted A.C. by grabbing his neck and squeezing it, and that this touching would be offensive to an ordinary person. CP 91. The court concluded that T.M. intended to place a choke hold on A.C. to "control his body" and the fact that he "controlled it to the point where [A.C.] lost consciousness was more than [T.M] expected." CP 91. The court also concluded that the control applied by T.M. to A.C. was accomplished by obstructing A.C.'s airway, and that this result constituted a crime. CP 91.

The court determined that T.M. acted recklessly by intentionally placing A.C. in a choke hold because "even [T.M.] testified that he knew there was a possibility," and disregarded the possibility that a wrongful act may occur by placing a person in a choke hold because T.M. knew the use of a choke hold could cause loss of air to the victim. CP 91. The court concluded the conduct also was an assault by strangulation because T.M. restricted A.C.'s ability to breathe. CP 92.

The court did not impose sentence until it received a predisposition report from the juvenile court probation agency. RP (Feb. 14, 2018) 13; CP 68. The report indicated that T.M. had a prior history of incidents of "bullying," including prior incidents of harassment, assault, and fighting.

CP 68-69. T.M. requested the court make a "manifest injustice" finding and impose a downward departure from the standard range commitment of 15-36 weeks to the Juvenile Rehabilitation Administration (JRA). CP 56-64. The trial court did so, finding that, although the aggravating factors that T.M. inflicted serious bodily injury and the victim was particularly vulnerable existed, mitigating factors also existed—primarily the defendant's age and lack of criminal history. CP 74. The court imposed 12 months of supervision, 80 hours of community service, and 14 days of electronic home monitoring. CP 75-77. T.M. timely appealed.

T.M. assigned two errors in his appeal: (1) the trial court erred by failing to give weight to Dr. Wert's testimony pertaining to the development of juvenile brains, and (2) the trial court made an erroneous evidentiary ruling, not at issue in this petition. App. Br. at 1-2. The Court of Appeals affirmed the adjudication, but the decision included two concurring opinions discussing jurisprudence behind juvenile offenses, and a historical analysis of the Legislature's authority to criminalize conduct under general police power. Pet. at App. A-18.

III. REASONS WHY REVIEW SHOULD NOT BE ACCEPTED

A party seeking discretionary review of a court of appeals decision must demonstrate the existence of one or more of the criteria required by RAP 13.4(b) warrants review. To meet this burden, a party must

demonstrate: (1) the decision is in conflict with a decision of the Supreme Court; (2) the decision conflicts with a published decision of the Court of Appeals; (3) the case involves a significant question of law under the Constitution of the State of Washington or the United States; or (4) the petition involves an issue of substantial public interest that should be determined by the Supreme Court. RAP 13.4(b).

Other than a citation to the court rule, T.M. does not offer any analysis concluding that this Court should grant discretionary review. Inadequate argument or passing treatment of an issue precludes review. *State v. Thomas*, 150 Wn.2d 821, 868-89, 83 P.3d 970 (2004). Because T.M. did not offer any analysis of the preliminary requirements of RAP 13.4(b), the State cannot fairly respond to his request for discretionary review. This Court should decline review for that reason.

T.M.'s petition appears to implicate two prongs: (A) whether the issue is a significant question of constitutional law, or (B) the issue holds substantial public interest. If those are indeed his arguments, T.M. fails to meet his burden to demonstrate why this Court should grant discretionary review.

A. Significant question of constitutional law.

Notably, T.M. does not directly cite to a federal or state constitutional provision in his request for review. *See Pet.* at *passim*. He

implies the prohibition on cruel and unusual punishment contained in the federal constitution and, presumably, the state constitution should apply to the legislative definitions of mens rea contained in RCW 9A.08.010. *See* U.S. CONST. amend. VIII; WASH. CONST. art. I, § 15.[1] He also contends the Fourth Amendment to the United States Constitution provides analogous authority as well, although the case he cites refers to the *Miranda*[2] advisements. *Miranda* resulted in a court-created doctrine that safeguards a person's Fifth and Sixth Amendment rights, and the doctrine is not in and of itself a constitutional right. *See J.B.D. v. North Carolina*, 564 U.S. 261, 269, 131 S.Ct 2394, 180 L.Ed.2d 310 (2011). His original appeal also presented due process concerns, but T.M. appears to have abandoned that contention, as he does not mention due process in his petition. All of these contentions are inadequately argued, in addition to being inapplicable to T.M.'s situation. Furthermore, there is no indication the trial court did not consider Dr. Wert's testimony concerning juvenile brain development; the court made a specific finding regarding that testimony.

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[1] T.M. makes no citation to or analysis of the equivalent provision of the Washington Constitution. Nor does he cite to Washington cases interpreting the Washington Constitution. Accordingly, this answer will only address the United States Constitution.

[2] *Miranda v. Arizona*, 384 U.S. 436, 467, 86 S.Ct 1602, 16 L.Ed.2d 694 (1966).

1. Prohibition on cruel and unusual punishment.

T.M. cites a series of cases for the propositions that "State and federal case law has accepted the concept of reduced culpability for juveniles at sentencing" and "the criminal process must take into account the evidenced-based physical fact that adolescents engage in a different thought process than their adult counterparts." Pet. at 11. T.M. neglects to mention that the reason *Roper v. Simmons*, 543 U.S. 551, 125 S.Ct 1183, 161 L.Ed.2d 1 (2005); *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct 2455, 183 L.Ed.2d 407 (2012); *Graham v. Florida*, 560 U.S. 48, 130 S.Ct 2011, 176 L.Ed.2d 825 (2010), and similar cases have addressed sentencing is because they explicitly interpret the Eighth Amendment, which forbids "cruel and unusual punishment." U.S. CONST. AMEND. VIII. This amendment "guarantees individuals the right not to be subjected to excessive sanctions." *Roper*, 543 U.S. at 560. Courts interpret the amendment according to its "text, history, tradition, and precedent." *Id*. T.M. does not make any argument concerning his actual punishment, a manifest injustice disposition requiring only 14 days of confinement on electronic home monitoring, one year of community supervision, and 80 hours of community service. CP 76-78.

The simple assertion that this Court should extend Eighth Amendment jurisprudence to alter statutory definitions of an element of a

crime should not command discretionary review. His only attempt to justify applying the provision is a bare citation to the concurring opinion affirming his adjudication, which simply states, "[o]ne could conclude that punishing a child for behavior that he fails to comprehend to be wrong constitutes cruel punishment." Pet. at App. A-21. But T.M. does not explain how he arrives at this conclusion in his petition. The Eighth Amendment historically applies to individuals who are being punished, and thus does not protect those against whom the government has not "secured a formal adjudication of guilt in accordance with due process of law." *Bell v. Wolfish*, 441 U.S. 520, 536 n.16, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979) (discussing pretrial detainees) (quoting *Ingraham v. Wright*, 430 U.S. 651, 671-72 n.40, 97 S.Ct 1401, 51 L.Ed.2d 711 (1977)).

The Eighth Amendment typically does not apply until after adjudication. In every case T.M. cites for support, post-conviction proceeds are at issue. Therefore, the court's reasoning in those cases is limited to the punishment phase of the proceeding.

In limited circumstances, the Eighth Amendment may bar legislative actions. *See Robinson v. California*, 370 U.S. 660, 667, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962). However, where a legislative body confines itself to the criminalization of *acts* with a required mens rea and does not attempt to outlaw a *status or condition*, neither the Constitution's

ban on cruel and unusual punishment nor its guarantee of due process permit the courts to second-guess the legislative determination that the proscribed conduct is harmful. *See Powell v. Texas*, 392 U.S. 514, 532, 88 S.Ct. 2145, 20 L.Ed.2d 1254 (1968) (plurality opinion of Marshall, J.) (upholding law criminalizing particular incidents of public drunkenness); *cf. Robinson*, 370 U.S. at 667 (invalidating criminalization of the status of narcotics addiction); *Martin v. City of Boise*, 920 F.3d 584, 614 (9th Cir. 2019).

In *Robinson*, which T.M. has not cited but may provide him the most support, the statute at issue made "the status of narcotic addiction a criminal offense, for which the offender may be prosecuted at any time." 370 U.S. at 666. It required no act of any kind, and the court reasoned that the State essentially made a person "continuously guilty of this offense, whether or not he has ever used or possessed any narcotics within the State." *Id*. The court reasoned criminalizing a condition in such a manner violated the Eighth Amendment. *Id*. at 666-67.

The case is distinguishable, as that analysis does not apply to T.M.'s adjudication. In T.M.'s case, the State has criminalized the acts of assault by strangulation or intentionally assaulting another and thereby recklessly inflicting substantial bodily harm. The State did not criminalize the condition or status of having a juvenile brain. The trial court found that T.M. intended to commit acts that constituted two alternative means of a

crime. T.M. argues that with a different mens rea requirement, he may not have committed a criminal act. It is true that if the crime consisted of different elements, T.M.'s actions may not have met those elements, but the same could be said for any defendant challenging any crime on appeal. Even assuming the *Robinson* analysis applies to this case, every Eighth Amendment case T.M. cites deals only with the punishment phase of the criminal process. He has not provided a basis under the Eighth Amendment entitling him to discretionary review.

Furthermore, there is no indication on this record that the trial court did not consider T.M.'s argument and evidence in relation to mens rea. The trial court summarized Dr. Wert's testimony in finding of fact 33:

> Dr. Wert testified that many adolescent brains are not totally developed until they're in their 20s. He testified lack of brain development can affect or impair decision making, especially in young males. Furthermore, he testified that hormones in young males can also impair or affect decision making.

CP 90. The very presence of this summary in the trial court's findings suggests the trial court weighed that evidence when determining whether T.M. acted recklessly and intentionally. The court also found that T.M. testified he intended to place the victim in a choke hold, testified he learned this move from watching adult professional fighters, testified that he knew referees of those fights would stop trained adults from applying the hold,

and testified that he knew the hold could result in an inability to breathe, or unconsciousness. CP 89-90.

T.M.'s argument more accurately seems to be a consent defense disguised as argument concerning his mental culpability: that he had license to strangle another child simply because he thought he was engaging in what he colloquially refers to as "horseplay." Pet. at 14, 15. He believes he had permission to assault this or any other student at school because "other boys at the same school push people into lockers," and "it is common among boys his age at school to push and shove each other" and punch each other. CP 87, 89. These arguments relate more to consent,[3] not whether T.M. could or could not form intent because of his adolescent brain. Another more apt colloquialism might be the term "bullying"; after all, T.M. approached another juvenile from behind, strangled him without warning, admitted he intentionally placed the victim into a chokehold in order to control the victim's body, and then told the victim not to submit with his command not to "tap out." CP 87, 89. Even if T.M. had established a connection between the Eighth Amendment and this case, between T.M.'s

[3] Consenting to assault is permissible in very limited circumstances. *See State v. Hiott*, 97 Wn. App. 825, 825, 987 P.2d 135 (1999) (juvenile cannot consent to a game in which victim and defendant shoot each other with BB guns); *State v. Shelley*, 85 Wn. App. 24, 929 P.2d 489 (1997) (consenting to assault in athletic contest limited to reasonably foreseeable conduct, does not extend to disagreement that results in a fight).

admissions and the court's consideration of Dr. Wert's testimony, there is no basis to grant relief.

2. *Miranda* safeguards were created by the judiciary, not the legislature.

There is no doubt that juveniles are different from adults, or that the law recognizes such. T.M. cites to *J.D.B.*, 564 U.S. 261 as proof of this contention. However, the circumstances of *J.D.B* are distinguishable from T.M.'s petition, limiting any application.

In *J.D.B*, the United States Supreme Court interpreted a court-created doctrine to permit a court's analysis of custody to incorporate a juvenile's age, when relevant. 564 U.S. at 264. Briefly, the court recited the history of *Miranda* advisements, noting that they were "a set of prophylactic measures designed to safeguard" constitutional rights, that were adopted by the Supreme Court. *Id.* at 269. The advisements are necessary to dispel the inherently coercive nature of custodial interrogation and are only required in such a situation. *Id*. at 269-70. Whether a person is in custody is an objective inquiry; the question before the court was whether the subject's age properly informed that objective analysis. *Id*. at 265, 270. The court, citing many of the same Eighth Amendment cases that T.M. provides in his petition, determined that age properly informed that objective analysis because what a reasonable adult might consider custodial

does not necessarily comport with the pressure exerted on a reasonable juvenile. *Id* at 271-72.

T.M.'s case does not implicate the Fifth or Sixth Amendment or any court-created doctrine. T.M. is urging this court to interpret the *statutory* definitions of mens rea. The authority to define crimes rests firmly with the legislature. *State v. Wadsworth*, 139 Wn.2d 724, 734, 991 P.2d 80 (2000). Specifically, the legislature is responsible for defining the elements of a crime. *State v. Evans*, 154 Wn.2d 438, 447 n.2, 114 P.3d 627 (2005); *Wadsworth*, 139 Wn.2d at 734. It is axiomatic that the judicial branch may reinterpret or redefine common law and court-created doctrines, limited only by *stare decisis*. The Legislature promulgated the definitional statutes at issue here, so any application of *J.D.B.* is limited, to say the least.

Separation of powers only permits judicial review of legislative acts, which is mainly limited to statutory interpretation of ambiguous statutes and the ability "to test legislation against constitutional restrictions." *Petstel, Inc. v. King County*, 77 Wn.2d 144, 151, 459 P.2d 937 (1969); *see also Hale v. Wellpinit School Dist. No. 49*, 165 Wn.2d 494, 503-07, 198 P.3d 1021 (2009). The Supreme Court created the *Miranda* advisements, so it had the authority to redefine them. But the Washington State Legislature, pursuant to its legislative function, created the mens rea definitions applicable to this state's criminal laws. *J.B.D.* does not advance T.M.'s argument.

The reasoning behind the *J.D.B* decision bears little weight for another reason. In a criminal case, the State must prove that the individual charged formed the requisite mens rea for the offense; there is no instruction informing the jury it must perform an objective analysis of whether a reasonable person in that defendant's position would have formed the appropriate mens rea.[4] In T.M.'s case, the parties agreed the RCW 9A.08.010 definitions applied to the case, the trial court weighed the evidence—including Dr. Wert's testimony—and determined the State had proved the offense. It does not matter whether a reasonable juvenile would have formed the intent to assault A.C; the State proved beyond a reasonable doubt that that T.M. did in fact form the requisite intent.

3. Due process concerns.

To the extent T.M. originally contested on appeal the weight the trial court gave to Dr. Wert's testimony, such a claim would be challenging the sufficiency of the evidence pursuant to due process guaranteed in the state and federal constitutions. *State v. Berg*, 181 Wn.2d 857, 867, 337 P.3d 310 (2014). In this case, the trial court's findings of fact indicated it considered Dr. Wert's testimony about the impulsivity of adolescents, but still found

[4] Cases discussing the applicability of presumptions in criminal law regularly recognize this maxim. *See, e.g., State v. Bishop*, 90 Wn.2d 185, 188, 590 P.2d 259 (1978) ("The prosecution must affirmatively establish [the] defendant's intent to commit a crime").

T.M. had formed the requisite mental state. The trier of fact's weighing of evidence is not subject to appellate court review. *State v. Homan*, 181 Wn.2d 102, 106, 330 P.3d 182 (2014). Any due process concern has been extinguished. Regardless, T.M. does not allude to this concern in his petition for review.

B. Matter of substantial public interest.

T.M. asks this Court to grant review and intervene to interpret statutes in a way that advance his policy interests. He asserts that this Court should grant review because the issue "applies to all children," an apparent reference to RAP 13.4(b)(4). There is no additional analysis. But even if this Court grants review, T.M. has not identified a mechanism under which this Court can grant his requested relief. Therefore, this Court should decline review.

T.M. essentially asks this Court to revise the statutory definitions of intent and recklessness for juveniles. His preferred policy is contrary to the Legislature's promulgated laws concerning juveniles. An appellate court gives the plain meaning of statutory language full effect, even where the results seem harsh under the circumstances, and does not question the wisdom of the policies enacted by the Legislature. *See Duke v. Boyd*, 133 Wn.2d 80, 88, 942 P.2d 351 (1997); *State v. Pike*, 118 Wn.2d 585, 591, 826 P.2d 152 (1992). Notably, T.M. does not contend the relevant statutes

are ambiguous, nor does he identify any canon of statutory construction that mandates an interpretation contrary to the statutes' plain language. *State v. Wentz*, 149 Wn.2d 342, 346, 68 P.3d 282, 284 (2003) ("However, we are under an obligation to give effect to the intent of the legislature, and where the language of a statute is clear, legislative intent is derived from the language of the statute alone"). If the legislature dislikes the impact of a statute as enacted, then it is up to the Legislature, and not the court, to undertake the responsibility to change it. *Duke*, 133 Wn.2d at 88. Therefore, any changes to Washington's criminal code, in so far as it applies substantive criminal offenses to juveniles, must be accomplished by legislative change, rather than by judicial opinion.

Under the Juvenile Justice Act, an "offense" is "an act designated a violation or a crime if committed by an adult under the law[s] of this state" or under any ordinance, federal law or under the law of another state if the act occurred in that State. RCW 13.40.020(21). Thus, the legislature expressly required that juveniles who have the capacity to commit criminal offenses[5] are to be prosecuted under the same substantive criminal law as adults.

[5] Children aged eight through eleven are presumed incapable of committing crimes, but this presumption is rebuttable; children under eight are not capable. RCW 9A.04.050.

Additional statutes outside the criminal code further demonstrate the Legislature's policy decision. For instance, RCW 28A.600.460(2)-(3) contemplate that students of common schools may commit offenses under chapter 9A.36 RCW, such as second degree assault, against either teachers or other students, and be subject to administrative discipline in addition to criminal punishment. RCW 28A.600.460(4) explicitly states a school has the authority to expel or suspend a student for misconduct or criminal behavior; this provision permits administrative punishment in addition to any criminal punishment.

As further example, Chapter 28A.635 RCW contains several offenses[6] specific to common schools, and that chapter does not contain new, juvenile-centric definitions of mens rea, even though the Legislature had the means and opportunity to impose such a definition for use in that chapter. It may be presumed that the Legislature is satisfied that the declination and capacity statutes offer adequate protection for juvenile offenders. *See* RCW 13.04.030 (declination); RCW 9A.04.050 (capacity). And "infancy defenses," like insanity defenses, focus on the actor's lack of

[6] Some of these offenses are classified as crimes, although, for some, the Legislature has specifically precluded a trial court from imposing jail after an adjudication. *See State v. Flores*, 194 Wn. App. 29, 374 P.3d 222 (2016). For instance, a *pupil* who violates RCW 28A.635.060 is only subject to "suspension and punishment," and has not committed a crime.

capacity to form the mens rea of a crime. *State v. Linares*, 75 Wn. App. 404, 412, 880 P.2d 550 (1994), *as amended on denial of reconsideration* (Sept. 26, 1994). However, a child need not know that an act is illegal, in order to be capable of committing a criminal act. *State v. J.P.S.*, 135 Wn.2d 34, 38, 954 P.2d 894 (1998). The Legislature could create different definitions applicable to juveniles to supplement the other juvenile offender protections already present, if it determined such was necessary.

In sum, these statutes demonstrate that the Legislature has had ample opportunity to address criminal conduct in juvenile and school settings. The Legislature has the ability to refine its culpability definitions for a class of crimes that often occur with juvenile students in common schools and, to date, has chosen not to. T.M. has not provided a basis for this Court to reinterpret statutes or conduct policymaking. Even if this matter truly holds substantial public interest, T.M. still needs to identify a mechanism for this Court to grant his remedy. His recourse is to lobby the Legislature.

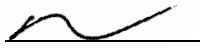
IV. CONCLUSION

T.M. has not provided a basis for this Court to grant review. The cases that T.M. has cited deal with the sentencing phase of a proceeding, or an inapplicable analysis of custodial interrogation. Regardless, T.M. presented his evidence concerning juvenile brain development to the trial

court and that court considered it. The Court of Appeals did not err when denying his request for relief. There is no compelling reason for this Court to grant discretionary review under RAP 13.4. The State respectfully requests this Court deny T.M.'s request for review.

Respectfully submitted this 12 day of February 2020.

LAWRENCE H. HASKELL
Prosecuting Attorney



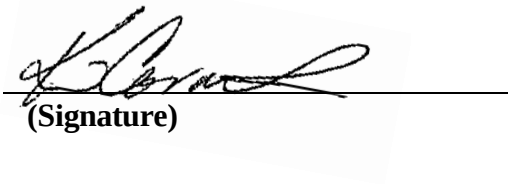
Brett Pearce, WSBA #51819
Deputy Prosecuting Attorney
Attorney for Respondent

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. T.M., Petitioner.	NO. 97954-5 CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington, that on February 12, 2020, I e-mailed a copy of the Answer to Defendant's Petition for Review in this matter, pursuant to the parties' agreement, to:

Jeffry Finer
jeffry@finerwinn.com

2/12/2020 **(Date)** Spokane, WA **(Place)**  **(Signature)**

SPOKANE COUNTY PROSECUTOR

February 12, 2020 - 10:09 AM

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