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Division II  
State of Washington  
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NO. 53841-5-II

THE COURT OF APPEALS OF THE STATE OF  
WASHINGTON, DIVISION TWO

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STATE OF WASHINGTON,

Respondent,

v.

S.D.H.,

Appellant.

---

ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR COWLITZ COUNTY

---

FIRST AMENDED  
BRIEF OF APPELLANT

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## I. INTRODUCTION

S.D.H. was a desperate, scared, and hungry child the day he tried to hold up a local convenience store with a toy gun. The events that led to that moment were tragic. They represent how children like S.D.H. break the law because they are immature and unable to grasp the consequences of their actions.

S.D.H. is not a criminal. He engaged in criminal behavior and made a poor choice. He wanted to feed his little sisters, one of whom had been telling him how hungry she was and asking him for food. There was no food in the house. There was no money either. His mom continually berated him to bring home money. S.D.H. believed his family was on the precipice of eviction. So, he made a choice not for himself, but for his younger sisters. That choice will forever affect his life.

## II. ASSIGNMENTS OF ERROR

1. The trial court applied the wrong legal standard when it refused to exercise its discretion to impose a sentence below the standard range.

2. Requiring a child to prove by clear and convincing evidence that a mitigated sentence is appropriate, while those in adult court have no such burden, violates the Equal Protection Clause.

### III. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. The Court erred when it did not use its judicial discretion to consider the individual characteristics of youth and how they fundamentally impact culpability.

2. The Juvenile Justice Act (JJA) limits the court's ability to grant downward sentences by requiring children to meet the clear and convincing standard.

3. The Fourteenth Amendment's Equal Protection Clause bars disparate treatment for similarly situated individuals.

### IV. STATEMENT OF THE CASE

S.D.H. is a traumatized but kind-hearted child who made the wrong choice for the right reasons, as the detective told him. CP 18.

S.D.H. came from a volatile, abusive and neglectful home. CP 25. His past is riddled with abuse; physical, emotional and sexual. CP 23.

Every father figure in S.D.H.'s life abandoned him. His biological father left when he was small. CP 23. S.D.H.'s father abused S.D.H.'s mom. *Id.* When his mother started dating someone new, S.D.H. attached to this man and saw him as a stepfather. *Id.* at 26. However, this man eventually left too, taking his kindness with him. *Id.* His only other father figure was his older brother, Bryan. *Id.* Bryan moved out before the incident to live with his girlfriend. *Id.* Bryan acknowledged feeling like he abandoned S.D.H. but thought he had to escape that toxic household where S.D.H. still lived. *Id.* at 27.

Before moving to Washington, S.D.H. lived in Georgia. CP 26. In Georgia, S.D.H.'s mom often left him and his siblings with their uncle. *Id.* at 26. The uncle severely sexually abused the children. *Id.* Bryan stated S.D.H. was most vulnerable because he was alone with his uncle more

than the other children. *Id.* When S.D.H. disclosed the abuse, his aunt and his mother did not initially believe him. *Id.* S.D.H.'s cousins still blame S.D.H for locking up their father. *Id.*

In 2014 his mother moved S.D.H. and his siblings to Longview. CP 26. The move to Washington did not turn out to be a fresh start for S.D.H. *Id.* S.D.H is a 5-foot one-inch 15-year-old Latinx boy. CP 2. Other children bullied him in school. CP 26. He responded with aggression. *Id.* S.D.H. was in sixth grade when his grades and emotional well-being declined. *Id.* He struggled to fit in. *Id.* None of the adults in his life realized S.D.H. struggled with the extensive sexual abuse he suffered. *Id.*

S.D.H. also has significant learning disabilities. CP 34. A fourth grade report stated he had an "extremely low" IQ. *Id.* In sixth grade, the school reclassified S.D.H. as "learning disabled." *Id.* Dr. Beyer speculated this change occurred because of S.D.H.'s access to language services after moving

to Washington. *Id.* S.D.H. is bilingual in Spanish and English. *Id.* Multiple parental figures in his life spoke Spanish. *Id.*

S.D.H. is very immature. *Id.* He struggles with self-regulation, coping skills, and psychological problems stemming from his trauma. *Id.* He began seeing a therapist in June 2018. *Id.* at 31. He was attempting to change his life's direction. *Id.* But with no adult support, he succumbed to his immense trauma. *Id.* at 32.

Before the incident, S.D.H. took care of his younger siblings. Beyer Report 31. He tried to contribute to the household finances. *Id.* He attempted to stay in school. *Id.*

To feed his sisters, S.D.H. robbed a convenience store. CP 2; RP 43. S.D.H. used a toy gun colored black with a marker to hold up a neighborhood store where everyone knew him. *Id.* at 43.

At the time, S.D.H. he was worried that his family was about to get evicted. CP 2; RP 43. His mother had just screamed at him to “go out and get a job to help pay for the roof over their heads.” *Id.* He described his home life as

chaotic and unstable, due to his mother's selfishness and poor money management. *Id.* "She spends most of her paycheck on cigarettes and big containers of soda for herself. We can't eat that. She should be bringing home food, not cigarettes." *Id.*

S.D.H. was fifteen years old when he was charged with the crime. CP 2. S.D.H. pled guilty to the charge of robbery in the first degree. CP 8. S.D.H. asked for a manifest injustice disposition. CP 17. The trial court denied his request. RP 127.

## V. ARGUMENT

### 1. **A child's young age and his personal circumstances fundamentally impacts culpability regardless of whether the child is in adult or juvenile court.**

The Court failed to use its discretion to protect S.D.H. from the excessive sentence imposed by the standard range.

Courts must consider the mitigating qualities of youth at sentencing, regardless of whether the child is in adult or juvenile court. *State v. Houston-Sconiers*, 188 Wn.2d 1, 18, 391 P.3d 409 (2017). In *Houston-Sconiers*, the trial court believed it lacked the discretion not to impose firearm enhancements. *Id.* at 20-21. When imposing its sentence, the

court observed, “The only mercy I have has been executed by the prosecutor in recommending a zero sentence on the underlying crimes.” *Id.* at 21. The judge thought a sentence below the standard range was illegal. *Id.*

The Washington Supreme Court unequivocally disagreed. *Id.* at 21. It stated that *Miller v. Alabama* requires sentencing courts “must have complete discretion to consider mitigating circumstances associated with the youth of any juvenile defendant.” *Miller v. Alabama*, 567 U.S. 460, 477-480, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012)..

Children are distinct from adults and must be sentenced differently. *Miller*, 567 U.S. at 471. “Juveniles have diminished culpability and greater prospects for reform. *Graham v. Florida*, 560 U.S. 48, 68, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010) .. “They are less deserving of the most severe punishments.” *Id.*; see also *Roper v. Simmons*, 543 U.S. 551, 552, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005). (Children have a “lack of maturity and an underdeveloped sense of responsibility”).

Here, the Court stated the mitigating information provided by S.D.H. was “not applicable” within the framework created by the legislature to grant S.D.H. a lesser sentence. RP 127. The Court’s analysis is incorrect. Courts must use discretion to consider individual circumstances. *Houston-Sconiers*, 188 Wn.2d at 21. Courts must go beyond the mitigating factors listed in state statutes. Determining when to depart from the standard range is a requirement and responsibility of the court to avoid excessive sentences for juveniles. *Id.* at 34. The *Houston-Sconiers* Court understood children mature out of their impulsive behavior. *Id.* at 23.

a. *Houston Sconiers and O’Dell explain the court’s authority to depart from the standard range based on a child’s individual characteristics that bare on culpability.*

Washington’s Supreme Court recognizes that the individual characteristics of a child can mitigate culpability.

In *State v. O’Dell*, the Court held that youthfulness could significantly mitigate culpability, even in adult court. 183 Wn.2d 680, 694, 358 P.3d 359 (2015). O’Dell was convicted of second-degree rape of a child and sentenced

within the standard range for a crime he committed at 18. *Id.* at 683. The Supreme Court relied on *Miller*, *Roper*, and *Graham* to recognize the connection between youth and decreased culpability. *Id.* at 695. Even for young adults, it amounts to a substantial and compelling factor in certain cases, justifying a lower sentence. *Id.* at 696.

In *Houston-Sconiers*, the Supreme Court stressed the importance of considering individual mitigating qualities for children, even in adult court. 188 Wn.2d at 24.

*Houston-Sconiers* requires that sentencing courts not only consider a child's youth, but the individual characteristics attached to youth. 188 Wn.2d at 19. "In exercising full discretion in juvenile sentencing, the court must consider mitigating circumstances related to the defendant's youth." *Id.* This consideration includes a child's age and the accompanying "hallmark features" such as their immaturity, impetuosity, and failure to appreciate risks and consequences. *Id.* (citing *Miller*, 567 U.S. at 477).

A court must also consider the nature of the child's surrounding environment, family circumstances and the possibility that "familial and peer pressures may have affected him [or her]." *Id.* at 19. Lastly, a court must consider how youth impacted any legal defense, along with any factors suggesting the child might be successfully rehabilitated. *Id.*

This requirement is in place to prohibit cruel and unusual punishment and guarantee individuals the right against excessive sanctions. *Roper*, 543 U.S. at 560.

No court distinguishes this obligation between adult and juvenile courts.

The State said in its sentencing argument that "we simply can't compare cases like *Roper*, *Graham*, *Miller*, and *Houston-Sconiers* to this case where the Respondent falls under the Juvenile Justice Act Jurisdiction." RP 113. The prosecutor also argued that since the Legislature considered children's immaturity when creating the juvenile sentencing grid, *Houston-Sconiers* and its progeny did not apply. This interpretation is incorrect.

Judges must recognize youth and the individual circumstances of a child when determining culpability, regardless of whether a child is in juvenile or adult court. The personal characteristics of the child must be considered to avoid excessive sentences and give a meaningful opportunity for rehabilitation and maturation.

O'Dell made the same request of the court, even when sentencing a young adult. *O'Dell*, 183 Wn.2d at 691. It makes no sense that *O'Dell* allows for consideration of youthfulness of an adult as a mitigating factor to offset culpability. Yet actual children in juvenile court are not afforded the same consideration. Nor does this distinction comply with the need to consider youth and its characteristics as a mitigating factor.

- i. **S.D.H. demonstrated reduced culpability because of youthfulness and his inability to use adult solutions to solve the crisis his mother's behavior created for his family.**

S.D.H. was entitled to have his personal circumstances fully considered in determining his culpability at sentencing. Not only is S.D.H. a young age, but he also presented

evidence that showed his immaturity, individual circumstances, and diminished culpability.

S.D.H. struggles with learning disabilities and bullying at school. CP 33. He is haunted by the horrifying sexual abuse he suffered at the hands of his uncle. CP 26.

Just before he committed his crime, his mother berated him to bring home money. CP 43. She could not provide food, emotional support or a stable home for S.D.H. and his siblings. *Id.* at 43. He had also just lost the presence of his older brother, and father figure, Bryan. *Id.*

**ii. S.D.H. showed his ability to be rehabilitated if given a reduced sentence.**

Most importantly, S.D.H.'s desire to change supported a downward sentence because it demonstrated his ability to be rehabilitated. Before the crime, he went to therapy to develop coping mechanisms for his trauma and to imagine a better future for himself. CP 31. As Dr. Beyer stated, S.D.H.'s future is bright with the right support. CP 48.

*b. The Court had the discretion to impose an appropriate mitigated sentence for S.D.H.*

Had the judge properly considered the circumstances of S.D.H.'s life, a mitigated sentence could have been granted.

At sentencing, the Court stated that because S.D.H. did not meet the specific list of mitigating factors listed in RCW 9.94A.535(1) that they could not grant him a lesser sentence. RP 127. The judge proceeded to go through each of the factors enumerated in RCW 9.94A.535(1). *Id.* at 127. The court concluded that since S.D.H.'s circumstances did not meet the specific mitigating factors listed in the statute, that they would not grant his request for a lesser sentence. *Id.*

In *State v. K.E.*, the trial court recognized that a sentence in the standard range is not always necessary for rehabilitation or community safety. 97 Wn. App. 273, 278, 982 P.2d 1212 (1999). K.E. robbed a pizza parlor at gunpoint. *Id.* at 276. He pled guilty to first degree robbery. *Id.*

At sentencing, multiple witnesses testified to how K.E. turned his life around after the incident. *Id.* at 276. He changed schools, found a better circle of friends, and gained employment. *Id.* The judge saw K.E.'s ability to be

rehabilitated. *Id.* at 276-277. He also recognized this was his first criminal offense. *Id.* at 280. The judge determined that a sentence within the standard range would be excessive. *Id.* at 277. The court granted K.E.'s request for a downward sentence. *Id.* The state appealed, saying that a judge could not grant a lesser sentence based solely on a lack of prior offenses. *Id.* at 278.

The court agreed with the state, but still affirmed the trial court's downward sentence. *Id.* at 278. They, like the trial court, pointed to K.E.'s ability to be rehabilitated without imprisonment coupled with his low likelihood to reoffend. *Id.* The court recognized the large amount of support in place for K.E. to be successful in moving forward. *Id.* at 283. "To impose an excessive penalty on a juvenile in light of the purposes of the Juvenile Justice Act would be to defeat the very definition of "manifest injustice," and would presumably be to the detriment of that juvenile". *Id.*

The mitigating factors in S.D.H.'s case demonstrate that a sentence within the standard range is manifestly

unjust. Rehabilitation is not only possible for S.D.H., it is likely. CP 45. But rehabilitation is not likely to happen if he is forced to spend his core teenage years (15-17) sequestered away from his community. CP 48. He needs to learn how to control his impulses, make good decisions and mature as an integrated member of society. S.D.H. is a child who has lived in survival mode for most of his life due to the horrendous things he's witnessed and experienced. CP 30.

Dr. Beyer testified to S.D.H.'s ability and willingness to chart a new path in his childhood where he makes the right choices. CP 31. However, she was clear that this will only happen with adequate support and resources. CP 48. Support and resources that should be supplied to him through his community, not through a jail cell.

S.D.H. was not aware these resources were available to him until had suicidal ideations and was hospitalized in April 2018. CP 31. Only then was he directed to WISE Community Support Services. *Id.* WISE came to his home to try to talk to his mother, started him in therapy. After only

six months his therapist said he was beginning to understand how his actions have poorly effected him. *Id.* He was also introduced to his “peer support” who played basketball with him. *Id.* Unfortunately, these resources were not supported by adults at his school or his mother. CP 32. S.D.H. was failed by the adults around him once again.

S.D.H.’s crime yielded no injuries. CP 2. It did not involve any weapons. *Id.* S.D.H. made a wrong choice not because he intended to hurt others, but because he was desperate to survive. He made that choice lacking the maturity usually present in older children and adults. He also made that choice because he lacked proper emotional and financial support.

Regardless of his intentions, S.D.H. has to face the consequences of his actions. But a minimum of almost two years for using a sharpie-colored airsoft gun to hold up his local convenience store—in an effort to feed his little sisters—is not a proportional sentence for the offense.

It is only “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). Both the *Houston-Sconiers* court  
and the court in *O’Dell* saw the importance of considering  
individual characteristics to help children pivot away from a  
life of crime. The Supreme Court did not lean on legislative  
intent to do so, because it understood the unique and  
individual mitigating factors in each child’s case that needed  
to be considered to ensure a fair sentence.

The judge had the discretion to impose the requested  
downward sentence, based on multiple individual  
characteristics proving S.D.H.’s blameworthiness is less than  
a typical juvenile who commits this same offense. S.D.H.’s  
story shows that with the proper support and guidance, he  
can and will move forward in a positive direction. But the  
court did not properly exercise its judicial discretion to  
consider the individual characteristics in this case. Instead  
the court relied on the narrow list of mitigating factors listed  
in RCW 9.94A.535(1) to determine S.D.H.’s eligibility for a

lesser sentence. RP 127. The circumstances of S.D.H.'s case, like those in K.E., supported a departure from the standard range.

This case should be remanded to back to the sentencing court to permit the judge to exercise its sentencing discretion.

**2. The clear and convincing standard prevents meaningful consideration of a child's diminished culpability by ignoring individual characteristics.**

The legislature created the Juvenile Justice Act (JJA) to build in protections for children in the legal system. RCW 13.40.010(2). But to depart from a standard range sentence in juvenile court requires the child to prove by clear and convincing evidence that there should be a downward departure from the standard range. RCW 13.40.160(2).

The individual needs of children within the system are difficult to meet under such a strict standard. This high standard of proof does not adequately consider how individual characteristics of children mitigate their culpability. It fails to

provide the discretion courts need for just and proportional sentencing.

The JJA purports to consider and incorporate the needs of juveniles within the legal system as its main goal. *State v. T.C.*, 99 Wn. App. 701, 707, 995 P.2d 98 (2000). “The JJA’s purposes are more complex than the SRA’s, and the critical distinction is that the JJA’s policy of responding to the needs of the offenders is found nowhere in the adult criminal system. *Id.* at 707.

When resolving issues that depend on the JJA’s legislative purpose, a court must ensure its decision “effectuates to the fullest possible extent” both the purpose of rehabilitation and the reason for punishment. *Id.* Manifest injustice sentences temper sentences within the standard range that do not take into consideration the needs of the child. *State v. B.O.J.*, 194 Wn.2d 314, 322, 449 P.3d 1006 (2019). However, as previously stated, a manifest injustice must meet the “clear and convincing” standard to be supported. *Id.* at 323.

This high standard to prove a downward sentence, does not allow for full judicial discretion. This absence of true judicial discretion prevents judges from tailoring sentences to the individual characteristics and needs of each child.

With such a strict standard of review, juvenile judges are more scrupulous in their analysis of downward sentences. Too often, they are unable to grant downward sentences even when the mitigating factors surrounding the case support one.

The JJA does not address the individual needs of all children. The ability to grant a manifest injustice disposition is in place to mitigate the blind spots within the JJA.

However, the “clear and convincing” standard neutralizes this specific intent of avoiding excessive sentences for children and moderating their sentences between punishment and rehabilitation.

- a. There is no rational basis for the disparity in discretion allowed in adult court but denied in juvenile court; this disparity is unconstitutional under the Equal Protection Clause.*

Under the Equal Protection Clause, people similarly situated to the legitimate purpose of the law must receive like treatment. U.S. Const. amend. XIV, Const. art. I, § 12. If a law is administered in a way that unfairly discriminates between similarly situated persons, it violates equal protection. *State v. Gaines*, 121 Wn. App. 687, 704, 90 P.3d 1095 (2004). For an equal protection analysis to be applied, a person charged with a crime must show they are ‘similarly situated’ with people who are also affected by the law in question. *Id.* Equal protection is not intended to provide equality among individuals or classes; rather, it is intended to provide an equal application of the laws. *State v. Simmons*, 152 Wn.2d 450, 458, 98 P.3d 789 (2004).

Courts have used three tests to determine whether the right to equal treatment has been violated: (1) the “rational relationship” test; (2) the “intermediate scrutiny” test; and (3) the “strict scrutiny” test. *State v. Schaaf*, 109 Wn.2d 1, 17, 743 P.2d 240 (1987) (quoting *State v. Phelan*, 100 Wn.2d 508, 512, 671 P.2d 1212 (1983)).

Regarding children, Washington’s Supreme Court has determined that “juveniles are not members of a suspect class or a semi suspect class for equal protection purposes.” *Schaaf*, 109 Wn.2d at 19. The rational relationship test applies when neither a suspect class nor a semi-suspect class is at issue in an equal protection challenge. *State v. Blilie*, 132 Wn.2d 484, 493, 939 P.2d 691 (1997).

Under the rational relationship test, the law in question will be struck if it is irrelevant to the achievement of state objectives. *State v. Shawn P.*, 122 Wn.2d 553, 561, 859 P.2d 1220 (1993). The legislative intent behind the JJA is to focus on accountability and rehabilitation as equally important objectives. RCW 13.40.010(2); *State v. Chavez*, 163 Wn.2d 262, 268, 180 P.3d 1250 (2008).

Requiring children to prove that the personal mitigating factors surrounding their case “clearly and convincingly” support a downward sentence is arbitrary and contrary to the legislative intent of the JJA. The JJA intends to sentence children with a focus on accountability and

rehabilitation of the child—not punishment. This intent by the legislature is stated clearly in RCW 13.40.010(2)(c)(f). This distinction is what separates children from adults at sentencing.

The “clear and convincing” standard forces children to prove that circumstances surrounding their offense support a downward departure from the sentencing guidelines. A traumatized child should not have to meet specific, standardized requirements for their youthfulness to justify a lesser sentence. Individual circumstances should always be considered by the judge when deliberating a downward sentence. RCW 13.40.010(2).

The “clear and convincing” standard conflicts with the original legislative intent of the JJA because it encourages punishment. RCW 13.40.010(2). It does not advance the use of adequate accountability and rehabilitation. RCW 13.40.010(c)(d).

The high standard for the justification of a downward sentence in juvenile court is not required to prove a

downward sentence in adult court. This inequality between juvenile sentencing and adult sentencing is unconstitutional.

Under the Equal Protection Clause children have a right to be treated as children. While the JJA aims to do that, proof of “clear and convincing” evidence to establish a downward departure at sentencing does not achieve this goal. This argument is particularly true when this standard is not required to prove a lesser sentence for either children or adults in adult court. RCW 9.94A.535(1).

There is no rational basis for requiring children in juvenile court to meet a higher standard to prove their youthfulness than individuals in adult court. This difference is unconstitutional. U.S. Const. amend. XIV, Const. art. I, § 12.

This limitation is the opposite of complete discretion and is contrary to individualized sentencing.

A downward departure can be imposed in adult court if it finds that a preponderance of the evidence establishes

mitigating circumstances. *State v. Ramos*, 187 Wn.2d 420, 434, 387 P.3d 650 (2017).

To prove a manifest injustice downward is justified, a child is required to prove by a “clear and convincing” showing of evidence, that their personal circumstances permit a downward sentence. *State v. Tai N.*, 127 Wn. App. 733, 736, 113 P.3d 19 (2005).

The higher burden in juvenile court prevents courts from properly exercising discretion and leads to a harmful result.

The primary purpose of the Sentencing Reform Act is punishment. *State v. Vance*, 9 Wn. App.2d 35, \_\_\_, 444 P.3d 1214 (2019). The JJA intends to uphold accountability while promoting rehabilitation of child offenders. RCW 13.40.010(2). There is no rationale behind creating a standard for downward sentences under the JJA that ensures downward departures will rarely be granted.

Even if a court finds a lower sentence is more likely than not in the best interest of the child and the community,

the JJA does not permit it. *Houston-Sconiers*, 188 Wn.2d at 420. Children's personal circumstances and degrees of blameworthiness cannot be standardized. The limited discretion of judges to depart from the juvenile sentencing grid is irrational considering the legislative intent behind the creation of the JJA. It is even more irrational in light of complete discretion adult court is afforded when sentencing children as adults.

S.D.H. presented ample evidence of his ability to be rehabilitated and his willingness to change his behavior. His offense was the product of economic desperation by a child who had lived through terrible traumatizing circumstances. . It is irrational to prohibit a court from considering a case-appropriate disposition that best serves a child's rehabilitative needs due to the onerous burden of proof placed on the child himself.

## VI. CONCLUSION

The standard under the Juvenile Justice Act contradicts the intent behind the JJA to protect children. The

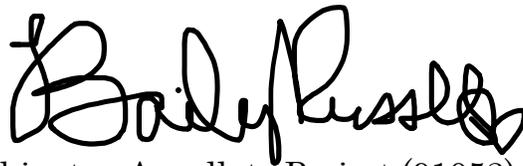
obstacles in place to prevent judges from departing downward from the standard range violates the Equal Protection Clause and is unconstitutional.

This Court should remand this case to the juvenile court for reconsideration of S.D.H.'s sentence.

DATED this 7th day of January 2020.

Respectfully submitted,

Bailey C. Russell Rule 9 Intern 9875063

A handwritten signature in black ink that reads "Bailey C. Russell". The signature is written in a cursive style with a large initial "B".

Washington Appellate Project (91052)  
Attorneys for Appellant

A handwritten signature in black ink that reads "Gregory C. Link". The signature is written in a cursive style.

Gregory C. Link – 25228  
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Washington Appellate Project

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO**

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STATE OF WASHINGTON,	)	
	)	
RESPONDENT,	)	
	)	NO. 53841-5-II
v.	)	
	)	
S.D.H.,	)	
	)	
JUVENILE APPELLANT.	)	

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 7<sup>TH</sup> DAY OF JANUARY, 2020, I CAUSED THE ORIGINAL **AMENDED OPENING BRIEF OF APPELLANT** TO BE FILED IN THE COURT OF APPEALS - DIVISION TWO AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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SIGNED IN SEATTLE, WASHINGTON THIS 7<sup>TH</sup> DAY OF JANUARY, 2020.



X \_\_\_\_\_

**Washington Appellate Project**  
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# WASHINGTON APPELLATE PROJECT

January 07, 2020 - 4:50 PM

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**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 53841-5  
**Appellate Court Case Title:** State of Washington, Respondent v. S.D.H., Appellant  
**Superior Court Case Number:** 19-8-00051-4

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