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Supreme Court No. 100012-0  
(COA No. 37578-1-III)

THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

JAVIER GARZA,

Petitioner.

---

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

---

PETITION FOR REVIEW

---

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## A. INTRODUCTION

The ability to vacate a juvenile conviction is critical to the juvenile court's mission to rehabilitate, not punish, children who are less culpable than adults, and whose criminal offending is often the result of transient immaturity. To that end, RCW 13.50.260(3) allows the court to "vacate its order and findings" before sealing the juvenile court file.

Mr. Garza moved to vacate his juvenile adjudication before sealing it as permitted by RCW 13.50.260(3), but the Court of Appeals misconstrued the plain language of the statute to find it does not permit a person to vacate a juvenile adjudication. This Court should accept review to correct the Court of Appeals' mistaken reading of the statute that wrongly deprives a rehabilitated person the opportunity to vacate their juvenile conviction.

## B. IDENTITY OF PETITIONER AND DECISION BELOW

Javier Garza, petitioner here and appellant below, asks this Court to accept review of the Court of Appeals decision

terminating review issued on June 24, 2021, for which this Court extended time to file the petition for review to October 25, 2021. RAP 13.3, 13.4(a).

### C. ISSUES PRESENTED FOR REVIEW

1. The Court of Appeals determined that a person adjudicated of a felony in juvenile court has no opportunity to subsequently vacate their adjudication, contrary to the plain language of RCW 13.50.260(3), which allows a juvenile court to “vacate its order and findings” before sealing a juvenile court record. Ignoring that a juvenile adjudication requires a court to enter “findings” for a guilty verdict, and the child’s sentence is contained in a disposition “order,” the Court of Appeals determined that “an adjudication is a judgment” that may not be vacated under the statute. This Court should accept review of this statutory construction issue of first impression because it is a matter of substantial public interest. RAP 13.4(b)(4).

2. This Court should accept review because the Court of Appeals’ misinterpretation of RCW 13.50.260(3) risks violating

a rehabilitated juvenile's right to due process and equal protection. RAP 13.4(b)(3).

#### D. STATEMENT OF THE CASE

Javier Garza grew up in poverty in a home where his father subjected him to mental, emotional, and physical abuse. CP 15, 18. School was difficult; his parents could not help him because they could not read. CP 15. When he was 16 or 17 years old, he went "crazy," losing himself to drugs and acting with no regard for himself or others. CP 15-16.

In 1995, when Mr. Garza was 17, he entered an *Alford* plea and was adjudicated guilty of rape in the third degree in juvenile court. CP 1; 35. He was sentenced to 13 days in juvenile detention and one year of probation supervision for this offense. CP 35. He successfully completed probation. CP 35.

Mr. Garza was required to register as a sex offender based on his juvenile conviction. CP 36. In 2019, nearly 25 years after his juvenile court adjudication, he asked the court to relieve him of the obligation to register as a sex offender. CP

36. Mr. Garza had turned his life around; he found long-term employment despite his prior sex offense conviction, was an active member of his church and a loyal husband of 26 years to his wife, with whom he had four children. CP 16, 19, 21. The court found Mr. Garza had “wholly complied” with his registration requirements and applauded him for what he had achieved in life. CP 36. The State did not object to Mr. Garza being relieved of the duty to register. CP 36.

Soon after, Mr. Garza moved to vacate and seal his juvenile adjudication under RCW 13.50.260(3). CP 36. This statute allows a person to vacate a court’s “order and findings” before the court seals their juvenile court record “in any case in which [an] information has been filed.” CP 37 (citing RCW 13.50.260(3)). The State opposed Mr. Garza’s motion to vacate, claiming that this statute only applied to diversions, not adjudications. CP 29, 37. Mr. Garza’s counsel noted that he brought motions to vacate and seal juvenile convictions throughout the State of Washington for over eight years, and

this was the first time he had seen the State take the position that a person could not vacate their juvenile conviction. RP 2. The trial court acknowledged it had routinely “signed off” on motions to vacate and seal because the State had not objected. RP 3.

The court noted that in the previous hearing where it had relieved Mr. Garza of his duty to register as a sex offender, “I absolutely commended him and continue to commend him” for what he has achieved in his life. RP 9. But the court claimed not to see an “avenue available” to vacate a juvenile adjudication under the statute. RP 9. The court determined that RCW 13.50.260(3) only allowed a person to vacate in the context of a diversion, not, as the statute provides, in any case where an “information has been filed.” CP 37.

The trial court granted the motion to seal Mr. Garza’s juvenile record but denied his motion to vacate. CP 36; RP 10. The court clarified that its interpretation of the statute makes any juvenile adjudication categorically ineligible to be vacated,

contrary to the court's routine practice of granting such motions to vacate without any opposition from the State. RP 10.

Recognizing the impact of this decision, the court noted, "I do hope this goes up because if there is another interpretation of this, I think the Court of Appeals needs to weigh in. . . this is very significant . . ." RP 9.

The Court of Appeals affirmed, but not based on the trial court's interpretation of the statute as applying only to diversions. Rather, the Court of Appeals ruled that a juvenile adjudication is a "judgment," not an "order and findings" eligible to be vacated under RCW 13.50.260(3). Op. at 3.

The Court of Appeals' decision produces the same "very significant" result that the trial court believed warranted appellate review: it denies all rehabilitated juveniles the opportunity to vacate their juvenile convictions. RP 9; Op. at 3-4.

## E. ARGUMENT

### **1. The Court of Appeals’ mistaken interpretation of the juvenile sealing statute is an issue of statutory construction of first impression with grave consequences, meriting this Court’s review.**

RCW 13.50.260(3) allows a person to seal their juvenile court file and to vacate the court’s “order and findings,” which the Court of Appeals erroneously determined did not include a juvenile adjudication. The Court of Appeals’ misreading of the plain language of the statute is a matter of substantial public interest because it wrongly encumbers rehabilitated juvenile offenders with a felony conviction based on conduct they committed as child. RAP 13.4(b)(4).

- a. RCW 13.50.260(3) unambiguously allows the juvenile court to “vacate its order and findings” in any case where an “information” has been filed in juvenile court.

In resolving an issue of statutory construction, courts first look to the plain meaning of the statute. *Matter of Dependency of E.M.*, 197 Wn.2d 492, 499, 484 P.3d 461 (2021). The statute’s “plain meaning” is “discerned from all that the

Legislature has said in the statute and related statutes which disclose legislative intent about the provision in question.” *State, Dep’t of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 11, 43 P.3d 4 (2002). When the statute’s meaning is unambiguous, no further inquiry is needed and the court must give effect to that plain meaning as an expression of legislative intent. *Id.* at 9-10. Courts “resort to the aids of statutory construction” only if the statute is ambiguous. *Id.* at 12.

The juvenile sealing statute unambiguously allows a juvenile court to vacate its orders and findings before sealing the juvenile court file. RCW 13.50.260(3) provides:

If a juvenile court record has not already been sealed pursuant to this section, **in any case in which information has been filed pursuant to RCW 13.40.100** or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, **the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any;** resolve the status of any debts owing; and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the

exception of identifying information under RCW 13.50.050(13).

RCW 13.50.260(3) (emphasis added).

Here, there was no question that in Mr. Garza's adjudication for a felony offense, an information had been filed and he had not yet sealed his juvenile record as provided in RCW 13.50.260(3). CP 35-36.

- b. A juvenile court's "order and findings" include a juvenile court's adjudication of guilt and disposition order.

The JJA does not define the vacation of a court's "order and findings," but related statutes in the JJA establish the legislature intended these terms to apply to a juvenile adjudication and disposition order. *Campbell & Gwinn*, 146 Wn.2d at 11-12.

RCW 13.50.260(3) is directed at the whole juvenile court record, and its reference to vacating the order and findings must be read in this context. An order is a formal decision of a judge and findings are the court's formal written explanation of its final decision, and are required for all adjudications in juvenile

court. For instance, a juvenile’s sentence is set forth in the “dispositional order” under RCW 13.40.160, .180, .185, .190, .198.

The JJA uses the term “findings” in respect to a court’s adjudication of guilt. In juvenile court, children are tried by a bench, rather than jury trial; this requires the court to enter “findings” to support the adjudication of guilt. RCW 13.40.130 (3)-(4) (At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt . . . the court “shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.”).

Finally, the term “vacate” has a specific meaning, and the legislature’s inclusion of this term in the statute must be given effect. *See, e.g., Klein v. Pyrodyne Corp.*, 117 Wn.2d 1, 13, 810 P.2d 917 (1991) (“every word, clause, and sentence of a statute be given effect, if possible.”). “Vacate” means “to annul, set

aside, cancel or rescind; to render an act void.” *State v. Noel*, 101 Wn. App. 623, 626–27, 5 P.3d 747 (2000)) (*quoting* BLACK’S LAW DICTIONARY 1548 (6th ed.1990)). Vacating is a specific procedure in criminal court that nullifies the criminal conviction: “A court effectuates vacation by permitting an applicant to withdraw a plea of guilty and enter a plea of not guilty or, if convicted after a plea of not guilty, the court sets aside the verdict and dismisses the information, indictment, or complaint, and vacates the judgment and sentence.” *State v. Haggard*, 195 Wn.2d 544, 560, 461 P.3d 1159 (2020).

This procedure is different than “sealing” a court’s order and findings, which does not void the record, but only treats it as if it “never occurred.” RCW 13.50.260(6)(a). The term “vacate” must be given effect and interpreted to allow a court to void its findings of guilt and the sentence contained in the disposition order, in addition to requiring the juvenile record be sealed.

The plain language of the JJA establishes that a juvenile adjudication is predicated on a court’s “findings” and the juvenile is sentenced through a disposition “order.” These may be “vacated” under RCW 13.50.260(3).

- c. The Court of Appeals mistakenly found a juvenile adjudication was a “judgment” that may not be vacated.

Contrary to the JJA’s use of the terms “findings” and “order” that Mr. Garza sought to vacate, the Court of Appeals held a juvenile “adjudication” was a “judgment,” not an “order and findings” eligible to be vacated under RCW 13.50.260(3). Op. at 3. The Court of Appeals’ interpretation is unsupported by the plain language of the statute.

The Court of Appeals looked to the definition of a “juvenile court file” under RCW 13.50.010(1)(c) to assess whether an adjudication constitutes “findings and orders” referred to in RCW 13.50.260(3). This definitional statute of a juvenile court file generally follows the trajectory of a juvenile criminal case from beginning to end:

the petition or **information**, motions, memorandums, briefs, notices of hearing or appearance, service documents, witness and exhibit lists, **findings of the court and court orders**, agreements, **judgments**, decrees, notices of appeal, as well as documents prepared by the clerk, including court minutes, letters, warrants, waivers, affidavits, declarations, invoices, and the index to clerk papers.

RCW 13.50.010(1)(c)(emphasis added). This definition of a juvenile court file does not explicitly reference an adjudication or disposition order, but instead uses the terms “findings of the court and court orders” to refer to the documents that would be entered upon the court’s finding of guilt and entry of a disposition order. These are the same terms used in RCW 13.50.260(3).

Without explanation, the Court of Appeals ruled that an “adjudication” is a “judgment,” rather than a court’s “findings” or “order.” Op. at 3. However, in RCW 13.50.010(1)(c), a “judgment” follows a court’s findings and orders. It is also notable that the other reference to the word “judgment” in the JJA is for a “money judgment” from a restitution order. RCW

13.40.192(1). This “judgment” would only be entered after the court entered “findings” of fact for a guilty verdict and a disposition “order.” There is no other reference to a “judgment” in the JJA that could be construed to mean an “adjudication.”

The Court of Appeals’ determination that a court’s “findings” and “order,” necessary for an adjudication of guilt and the disposition order are ineligible to be vacated under RCW 13.50.260(3) is contrary to the plain language of the statute. The ability to vacate a court’s order and findings unambiguously refers to a court’s “findings” that are required for entry of a guilty verdict and a disposition “order.” The statute’s meaning is plain; no further inquiry is needed and the court must give effect to that plain meaning as an expression of legislative intent to allow a juvenile to vacate a juvenile court’s findings of guilt and disposition order. *E.M.*, 197 Wn.2d at 499.

- d. The Court of Appeals' erroneous interpretation of the statute has lasting, unjust consequences, especially for BIPOC, who are overrepresented in juvenile and adults courts.

The Court of Appeals misreads the plain language of the juvenile sealing statute to deny a rehabilitated juvenile the opportunity to vacate their juvenile conviction, despite the legislature's specific provision allowing courts to vacate orders and findings of eligible people convicted in juvenile court. This error is a matter of substantial public interest not just for the misguided statutory construction used by the Court of Appeals, but because of the unjust consequences that follow from Court of Appeals' erroneous decision. RAP 13.4(b)(4).

The Court of Appeals' decision provides no means of ever vacating a juvenile adjudication when, as in Mr. Garza's case, a person is fully rehabilitated and seeks to vacate and seal a juvenile conviction. If a person whose juvenile record was sealed is charged with an adult felony, a juvenile sealing order will be nullified. RCW 13.50.260(8)(a)-(b). This means that

unless vacated, a prior juvenile adjudication will forever be used to increase punishment in future criminal proceedings, because a juvenile adjudication has the same meaning as a “conviction” for purposes of sentencing under the SRA. RCW 13.04.011(1); RCW 9.94A.525(2)(g) (offender score includes both adult and juvenile prior convictions). But a “vacated” conviction cannot be used to increase punishment in subsequent proceedings. RCW 9.94A.640(4)(a) (“once the court vacates a record of conviction,” it “shall not be included in the offender’s criminal history for purposes of determining a sentence in any subsequent conviction”).

Given what this Court recognizes is the “racialized policing and the overrepresentation of Black Americans in every stage of our criminal and juvenile justice systems,”<sup>1</sup>

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<sup>1</sup> Letter from The Washington State Supreme Court, to Members of the Judiciary and the Legal Community (June 4, 2020), <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/Judiciary%20Legal%20Community%20SIG%20NED%20060420.pdf>.

people of color will forever be subject to harsher punishment in adult criminal court because they are more likely to be charged and prosecuted in juvenile court as well.

This is an untenable, lifelong consequence in light of what our courts recognize to be the transitory immaturity of youth that the juvenile court is designed to address through rehabilitation, rather than punishment. *State v. S.D.H.*, 17 Wn. App. 2d 123, 137, 484 P.3d 538 (2021) (citing *State v. Gregg*, 196 Wn.2d 473, 486, 474 P.3d 539 (2020) (González, J., dissenting)). Additionally, juvenile adjudications are entered without the same “checking function” provided by the jury trial right, which in adult court ensures equality in justice and is thought to prevent racial disparity. *See, e.g.*, Barry C. Feld, *The Constitutional Tension Between Apprendi and Mckeiver: Sentence Enhancements Based on Delinquency Convictions and the Quality of Justice in Juvenile Courts*, 38 Wake Forest L. Rev. 1111, 1145 (2003). That a rehabilitated person has no means of vacating a juvenile adjudication when it is a reflection

of transient immaturity and is entered without the equivalent constitutional safeguards provided to adult offenders is a matter of substantial public concern meriting review by this Court.

RAP 13.4(b)(4).

**2. Depriving a person of any opportunity to vacate a juvenile adjudication may also violate due process.**

Though this Court need not address a constitutional issue that can be resolved based on the plain language of the statute, the Court of Appeals' interpretation of the statute may also violate due process and equal protection. *See, e.g., Utter v. Bldg. Indus. Ass'n of Washington*, 182 Wn.2d 398, 434, 341 P.3d 953 (2015) ("We construe statutes to avoid constitutional doubt").

The Court of Appeals' decision may violate a person's due process right to the rehabilitative protections of juvenile court. Our courts have long recognized that "less culpability should attach to a crime committed by a juvenile than to a comparable crime committed by an adult." *Thompson v. Oklahoma*, 487 U.S. 815, 835, 108 S. Ct. 2687, 101 L. Ed. 2d

702 (1988). Accordingly, where adult courts are punitive by design, juvenile courts aim to both rehabilitate youth and hold them accountable in a manner that is consistent with their developmental stages. *State v. S.J.C.*, 183 Wn.2d 408, 422, 352 P.3d 749 (2015).

“There are measurable and material differences between juveniles and adults that have constitutional implications.” *Id.* at 428; *see also State v. Watkins*, 191 Wn.2d 530, 544, 423 P.3d 830 (2018) (The developmental differences between juveniles and adults are relevant to a juvenile defendants’ constitutional rights). Juveniles adjudicated in juvenile court cannot be deprived of their substantive rights of life, liberty, and property without “constitutionally adequate procedures.” *Watkins*, 191 Wn.2d at 537 (citing *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 541, 105 S. Ct. 1487, 84 L. Ed. 2d 494 (1985)).

In *Watkins*, this Court held the automatic decline laws did not invade the juvenile’s “substantive due process right to be punished in accordance with his or her culpability because

adult courts can take into account the ‘mitigating qualities of youth at sentencing.’” *Id.* at 546 (quoting *State v. Houston-Sconiers*, 188 Wn.2d 1, 21, 391 P.3d 409 (2017)). The Court of Appeals’ decision that divests juvenile courts of a procedure to account for a child’s diminished culpability and rehabilitation by vacating their juvenile conviction deprives the juvenile of their substantive due process right to be punished in accordance with their reduced culpability. *See Watkins*, 191 Wn.2d at 537.

Likewise, where an adult may vacate misdemeanors and felonies in adult criminal court, it may violate equal protection to not provide the same protections to a juvenile adjudicated of the same offense in juvenile court. *Op.* at 4; *See RCW* 9.94A.640(2). Though the Court of Appeals held Mr. Garza lacked “standing” because third degree rape cannot be vacated under the adult criminal code either, this will not be true of other felonies that an adult offender would be able to vacate, but not a juvenile. *Op.* at 4. This Court should “avoid

constitutional doubt” by correctly interpreting the statute to avoid an equal protection violation. *Utter*, 182 Wn.2d at 434.

The Court of Appeals’ erroneous interpretation of RCW 13.50.260(3) denies a person the substantive right to be treated with the reduced culpability that attaches by virtue of their young age and immaturity in juvenile court, and denies them equal protection. This Court should accept review. RAP 13.4(b)(3).

#### F. CONCLUSION

Based on the foregoing, petitioner, Javier Garza, respectfully requests this that review be granted pursuant to RAP 13.4(b)(3)-(4).

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DATED this 25th day of October, 2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kate Benward', written in a cursive style.

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Washington Appellate Project (91052)  
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APPENDIX

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**FILED**  
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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION THREE

STATE OF WASHINGTON,	)	No. 37578-1-III
	)	
Respondent,	)	
	)	
v.	)	UNPUBLISHED OPINION
	)	
JAVIER GARZA,	)	
	)	
Appellant.	)	

LAWRENCE-BERREY, J. — Javier Garza appeals after the juvenile court determined it lacked statutory authority to vacate his 1995 adjudication that he was guilty of third degree rape. We affirm.

FACTS

In 1995, a juvenile court adjudicated Javier Garza guilty of third degree rape. In 2019, he moved to seal his juvenile file. In a later filed memorandum, citing RCW 13.50.260(3), he argued the court should seal his juvenile file *and* vacate his adjudication. The State objected insofar as Mr. Garza sought to vacate his adjudication. After a contested hearing, the juvenile court granted Mr. Garza’s request to seal his file

but denied his request to vacate his adjudication. The court later entered formal findings of fact and conclusions of law.

Mr. Garza then filed a second motion to vacate, this time challenging the constitutionality of Title 13 RCW, which governs juvenile courts and adjudications. He argued Title 13 RCW, which governs juvenile courts and juvenile offenders, violates federal and state equal protection to the extent that some adult convictions could be vacated while no juvenile adjudications could. After a contested hearing, the court denied Mr. Garza's equal protection challenge. He then appealed to this court.

## ANALYSIS

### INTERPRETATION OF RCW 13.50.260(3)

Mr. Garza argues that RCW 13.50.260(3) grants a juvenile court the authority to vacate his adjudication. We disagree.

RCW 13.50.260(3) provides in relevant part:

If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070,<sup>[1]</sup> the person who is the

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<sup>1</sup> RCW 13.40.070(1) requires a prosecutor to review complaints referred to juvenile court to ensure that court has jurisdiction and the complaint is supported by probable cause. If so, the prosecutor then files an information in juvenile court or refers the case for diversion. RCW 13.40.070(3).

subject of the information or complaint may file a motion with the court to have the court vacate *its order and findings*, if any . . . .

(Emphasis added.)

We review the meaning of statutes de novo. *State v. Wentz*, 149 Wn.2d 342, 346, 68 P.3d 282 (2003). The purpose of statutory interpretation is to effectuate legislative intent. *State v. Evans*, 177 Wn.2d 186, 192, 298 P.3d 724 (2013). We do so by looking at the plain language of the statute, considering the text of the provision and its context within the statute, related provisions, and the statutory scheme. *Id.*

RCW 13.50.260 is entitled “Sealing hearings—Sealing of records.” (Boldface omitted.) The plain language of RCW 13.50.260(3) does not permit a juvenile court to vacate an adjudication. The language refers only to vacation of a juvenile court’s “order and findings.” If the legislature intended the subsection to permit vacation of adjudications, it could have said so. It did not.

Mr. Garza argues that “order and findings” include adjudications and cites RCW 13.50.010(1)(c). That subsection defines “Official juvenile court file” as including “findings of the court,” “court orders,” and “judgments.” Instead of supporting his argument, RCW 13.50.010(1)(c) refutes it. It is evident that the legislature differentiates between findings, orders, and judgments. An adjudication is a judgment. RCW 13.50.260(3) permits a court to vacate its “order and findings”; it does not permit a

court to vacate its judgment or adjudication. We conclude that the juvenile court properly denied Mr. Garza's motion to vacate his adjudication.

EQUAL PROTECTION

Mr. Garza argues that Title 13 RCW violates his constitutional right to equal protection because adult offenders can vacate some convictions while juvenile offenders cannot. The State responds that Mr. Garza lacks standing to make this argument. We agree.

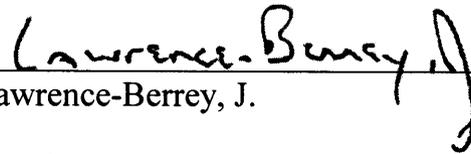
“A defendant has no standing to attack the constitutionality of a statute unless the defendant is harmfully affected by the particular feature of the statute alleged to be unconstitutional.” *State v. Jendrey*, 46 Wn. App. 379, 384, 730 P.2d 1374 (1986) (citing *State v. Lundquist*, 60 Wn.2d 397, 401, 374 P.2d 246 (1962)). The law does not allow a court to vacate adult convictions of third degree rape. *See* RCW 9.94A.640(2)(b); RCW 43.43.830(7). Because Mr. Garza is not harmed by the law's unequal treatment of juvenile adjudications and adult convictions, he has no standing to assert his equal protection argument. The juvenile court correctly rejected Mr. Garza's equal protection

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*State v. Garza*

challenge.<sup>2</sup>

Affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

  
\_\_\_\_\_  
Lawrence-Berrey, J.

WE CONCUR:

  
\_\_\_\_\_  
Siddoway, A.C.J.

  
\_\_\_\_\_  
Staab, J.

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<sup>2</sup> Courts may vacate some adult convictions but no juvenile adjudications. In this manner, the law treats adult convictions and juvenile adjudications unequally. Yet for Mr. Garza to prevail on his equal protection challenge, he must establish that *persons*—not convictions—are treated unequally. *State v. Schaaf*, 109 Wn.2d 1, 17, 743 P.2d 240 (1987). We note that neither juveniles nor adults can vacate their juvenile adjudications.

## DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original of the document to which this declaration is affixed/attached, was filed in the **Washington State Supreme Court** under **Case No. 100012-0**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

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petitioner

Attorney for other party



MARIA ANA ARRANZA RILEY, Paralegal  
Washington Appellate Project

Date: October 25, 2021

# WASHINGTON APPELLATE PROJECT

October 25, 2021 - 4:26 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 100,012-0  
**Appellate Court Case Title:** State of Washington v. Javier Garza  
**Superior Court Case Number:** 95-8-00895-1

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