

Supreme Court orders Woodland man's case back to Juvenile Court

It hinged on error by attorney

By [Jessica Prokop](#), Columbian Courts reporter
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Teens who turn 18 while facing criminal charges can't have their cases dismissed simply because attorneys erred, according to a Washington Supreme Court ruling released Thursday.

Ruling in a Cowlitz County case involving a Woodland teenager, the court voted 5-4 that neither ineffective counsel nor prosecutorial delay was enough to dismiss the charges.

Christopher Nelson Maynard was 17 when he was arrested by Woodland police and accused of six counts of malicious mischief in connection with tagging a skate park with graffiti.

According to the court's ruling, Maynard was arrested Aug. 18, 2010. He gave a signed confession and allegedly admitted to defacing several other properties. Police wrapped up their investigation in September 2010 and sent their report to prosecutors.

Maynard reportedly turned 18 less than a month later, but prosecutors didn't file criminal charges until July 2011, when he was charged as an adult.

Through his attorney, Maynard argued the charges should be dismissed because of prosecutorial delay and because his former attorney had erred by not filing a motion to extend the juvenile court's jurisdiction beyond Maynard's 18th birthday. Extending the jurisdiction would have allowed Maynard to take advantage of a juvenile court plea agreement.

The court agreed, and dismissed the charges. The Court of Appeals reversed the decision, ruling that ineffective assistance of counsel, not prosecutorial delay, caused the loss of jurisdiction. It ordered Maynard be remanded to adult court for trial.

In its ruling, the state Supreme Court agreed the problem was ineffective assistance of counsel, but did not agree with the order remanding the case to adult court. It ordered the prosecution to re-offer the Juvenile Court plea deal to Maynard. The offer states that if Maynard agrees to plead guilty to two charges, the prosecution will recommend a suspended sentence.

Maynard's defense attorney on the appeal, John A. Hays of Longview, said he thinks the decision has limited application to other juveniles' cases.

"I think the decision is saying if a juvenile loses Juvenile Court jurisdiction because of their attorney's failure to move to extend jurisdiction, the court can still hear the case in Juvenile Court. I think it's ultimately limited to that situation," Hays said in an interview.

He said he doesn't think that every juvenile who loses jurisdiction will be able to come back and argue their case should still be heard in Juvenile Court.

Still, Hays said he doesn't agree with the Supreme Court decision. He argued the case should have been dismissed.

"This is not a remedy that I sought before the Supreme Court. This was a remedy that was proposed by the Washington Defender Association," he said. The WDA is a group of attorneys and others that aims to improve defense of indigent people.

However, "Between being tried as an adult or being sent back down to juvenile court, we would much rather have the remedy they gave us," Hays added.

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