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STATE OF WASHINGTON
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NO. 94020-7

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Appellant-Respondent,

v.

JAI'MAR SCOTT,

Respondent-Petitioner.

SUPPLEMENTAL BRIEF OF APPELLANT-RESPONDENT

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A. INTRODUCTION

Jai'Mar Scott was convicted of murder in the first degree in 1990. The trial court imposed an exceptional sentence of 900 months, which was affirmed by this Court in 1995.

Because Scott was 17 years old at the time of the crime, he is now able to petition for early release pursuant to RCW 9.94A.730. That legislative process has converted Scott's sentence from a determinate 900-month sentence to an indeterminate sentence of 20 years to life. The United States Supreme Court has stated that statutory processes that offer a meaningful opportunity for release are an adequate remedy for an Eighth Amendment violation. RCW 9.94A.730 provides a meaningful opportunity for release. Scott's current indeterminate sentence of 20 years to life does not violate the prohibition against cruel and unusual punishment. Scott's request for resentencing should be rejected.

B. STATEMENT OF THE CASE

Jai'Mar Scott was convicted by jury verdict in 1990 of premeditated murder in the first degree. CP 20. The facts of the crime are set forth in the Court of Appeals decision in

State v. Scott, 72 Wn. App. 207, 866 P.2d 1258 (1993), which affirmed the conviction and sentence:

> On September 27, 1989, Agnes Jackson, age 78, was murdered in her home located at 8312 Wolcott Avenue South in Seattle. Ms. Jackson, who suffered from Alzheimer's Disease, lived alone.
>
> Police investigation revealed that the murderer did not use force to gain entry into the house. There were signs of violence, including bloodstains and displaced items in Ms. Jackson's living room and in both bedrooms of the home.
>
> Ms. Jackson's body was found by neighbors in the back bedroom. Her face was badly beaten and a telephone cord was bound tightly around her neck. The victim was naked from the waist down and her blouse and sweater were pulled up to the base of her breasts. Stray hairs and two burnt matches were collected from Ms. Jackson's abdomen.
>
> Detective Lima theorized that the murderer used matches as a source of light during the attack. Numerous matchbooks and burnt matches were found throughout the residence. The contents of Ms. Jackson's wallet were strewn about on the living room couch. Her checkbook, which was found on her bed, had been opened.
>
> Latent fingerprints were lifted from different locations within the home. One bloody fingerprint was located in the back bedroom/storage area where the victim was located. This print was found on a wall approximately 5 ½ feet from the floor. Next to this print was a bloody afghan, which had been placed over the window. The afghan normally was kept on the living room couch.
>
> An autopsy by the King County Medical Examiner's Office attributed Ms. Jackson's death to ligature and manual strangulation. Ms. Jackson suffered six fractures to her neck, including a fracture through the neck bone to the back of the cervical spinal column. The autopsy also revealed the following head injuries: three fractures to the right eye and cheekbone, a subdural hemorrhage, a fracture to the base of her skull, and two gaping lacerations to the top of her head. An internal examination disclosed eight rib fractures. The

> autopsy also revealed a faint contusion on the mons pubis. Dr. Fitterer testified that all of the injuries looked as though they had occurred prior to the victim's death.
>
> The police concluded that the victim's own cane and a broken and bloody glass candy jar lid were used as weapons in the attack.
>
> Scott had lived next door to Ms. Jackson for 2 years. His mother, Elizabeth White, took care of Ms. Jackson for $100 a week. Because of this arrangement, Scott often did chores for Ms. Jackson and had access to the inside of her home.
>
> On September 28, 1989, the police matched one of the latent fingerprints lifted from the victim's home to Scott's fingerprint. Police executed a search warrant of Scott's home and seized two bloody socks, a T-shirt with bloodstains and tennis shoes. Scott's fingerprints were also matched to prints found in various parts of the victim's home.
>
> Pubic hairs which were removed from the victim's body and clothing contained the same microscopic characteristics as Scott's hairs. Blood comparison tests confirmed that the blood on Scott's socks and shirt was consistent with the victim's blood and not Scott's. Police also found numerous burnt matches throughout Scott's bedroom and the same brand of matchbook that was found in the victim's home. Finally, a bloody shoe print photographed at the scene was consistent with the size, tread pattern, and wear pattern of tennis shoes belonging to Scott.

Id. at 210-12.

Scott was 17 years old when he committed the murder. CP 20, 29. The juvenile court declined jurisdiction. CP 50.[1] At sentencing, the parties agreed that the standard range was 240 to 320 months, with 240 months being the mandatory minimum sentence that could be imposed. CP 86, 100, 109. The State

[1] The automatic decline statute for very serious offenses had not yet been enacted when Scott committed his crime.

requested an exceptional sentence above the standard range. CP 109-19. The defense requested the low end of the standard range. CP 100. The trial court sentenced Scott to an exceptional sentence of 900 months based upon four independent findings: 1) that Scott's conduct constituted deliberate cruelty, 2) that his conduct was an abuse of trust, 3) that the crime involved multiple injuries, and 4) that the victim was particularly vulnerable. CP 26-28.

On direct appeal, the Court of Appeals held that the 900-month sentence imposed was not clearly excessive because "the aggravating factors are both numerous and individually and collectively egregious." Scott, 72 Wn. App. at 222. The Court of Appeals decision was affirmed by this Court in State v. Ritchie, et al., 126 Wn.2d 388, 398, 894 P.2d 1308 (1995), which held that the sentencing court had properly relied on "four horrid aggravating factors" in imposing the 900-month sentence.

In 2016, Scott filed a motion for relief from judgment requesting a new sentencing hearing. CP 4-7. The State asked the superior court to transfer the untimely motion to the Court of Appeals for consideration as a personal restraint petition pursuant to CrR 7.8. CP 13-18. The court denied the State's motion and

granted the motion for relief from judgment. CP 97-99. The State appealed.

The Court of Appeals reversed the trial court's grant of a new sentencing hearing finding that, "The constitutional violation identified in the Miller[[2]] line of cases is the failure to allow a juvenile offender the opportunity for release when his or her crime was the result of youthful traits." State v. Scott, 196 Wn. App. 961, 971, 385 P.3d 783 (2016). The Court of Appeals concluded, "In Montgomery,[3] the Supreme Court expressly approved of statutes that provide the opportunity for parole as remedies for a Miller violation." Id. at 971. Due to the enactment of RCW 9.94A.730, "Scott is no longer serving a sentence that is equivalent of life without parole." Id.

C. ARGUMENT

1. THE EIGHTH AMENDMENT REQUIRES THAT MOST JUVENILE OFFENDERS, INCLUDING HOMICIDE OFFENDERS, BE GIVEN A MEANINGFUL OPPORTUNITY FOR RELEASE FROM PRISON.

Beginning in 2005, a series of United States Supreme Court cases altered the analysis of sentences imposed on juvenile

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[2] Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012).

[3] Montgomery v. Louisiana, __ U.S. __, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016).

offenders under the Eighth Amendment. Taken together, these four cases, summarized below, require the State to give most juvenile offenders a meaningful opportunity for release from prison within their natural lifetimes.

The first of those cases was Roper v. Simmons, 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005). In Roper, the Court barred capital punishment for juvenile offenders. In so holding, the Court identified three general differences between juveniles under the age of 18 and adults relevant to culpability. Id. at 569. First, a juvenile's lack of maturity can result in "impetuous and ill-considered actions and decisions," making their irresponsible conduct less morally reprehensible than an adult's. Id. 569-70 (quoting Johnson v. Texas, 509 U.S. 350, 367, 113 S. Ct. 2658, 125 L. Ed. 2d 290 (1993)). Second, because juveniles have less control over their environment and are more vulnerable to negative influences, they have a greater claim to being forgiven for failing to escape negative influences. Id. Finally, the character of a juvenile is "not as well formed as that of an adult," and thus the possibility for reform is greater. Id. at 570. In light of these characteristics, the Court concluded that neither retribution nor deterrence provided adequate justification for sentencing a juvenile to death. Id. at 572.

While the Court noted that there might be some juveniles with sufficient maturity and depravity to justify the death penalty, jurors could not be tasked with making that determination because "[i]t is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption." Id. at 573.[4]

Drawing on these principles, the Court barred sentences of life imprisonment without parole for juvenile offenders who had not committed homicides in Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010). The Court agreed that Graham "deserved to be separated from society for some time," but concluded that juvenile offenders who had not committed homicide deserve "a chance to demonstrate growth and maturity." Id. at 73. The Court held that "[a] State is not required to guarantee eventual freedom to a juvenile offender convicted of a nonhomicide offense. What the State must do, however, is give defendants like Graham some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." Id. at 75. Significantly, the Court allowed that some juvenile offenders might never obtain

[4] The Court noted that psychiatrists are forbidden from diagnosing a patient under 18 as having antisocial personality disorder. Id. at 573.

release. "Those who commit truly horrifying crimes as juveniles may turn out to be irredeemable, and thus deserving of incarceration for the duration of their lives." Id. In other words, the Eighth Amendment does not prohibit the State from incarcerating a nonhomicide juvenile offender for his entire lifetime, but it does prohibit the State "from making the judgment at the outset that those offenders never will be fit to reenter society." Id.

In Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012), the Court expanded its holding in Graham to bar the imposition of *mandatory* sentences of life imprisonment without parole for juvenile homicide offenders. The Court concluded that mandatory sentencing schemes prevent the sentencer from taking into account the attributes of youth. Id. at 474. The Court refused to impose a categorical bar on sentencing a juvenile homicide offender to life in prison without parole, but opined that such sentences should be uncommon. Id. at 479.

Finally, in Montgomery v. Alabama, __ U.S. __, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016), the Court held that Miller had both substantive and procedural components, and thus applies retroactively. Miller did not merely require a procedure by which youth could be considered in sentencing, but also required that life

sentences not be imposed on juveniles whose crimes reflect transient immaturity. Id. at 734. The Court reiterated that "a sentencer might encounter the rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible and life without parole is justified." Id. at 733.

In sum, there is a small group of juvenile homicide offenders, those who demonstrate sufficient maturity and depravity, that the State can imprison for life at the outset. All other juvenile offenders must be afforded a meaningful *opportunity* for release before the end of their lifetimes. The State need not, however, guarantee that they *will* be released. Pursuant to Graham, even nonhomicide juvenile offenders may "turn out to be irredeemable, and thus deserving of incarceration for the duration of their lives." Graham, 560 U.S. at 75.

2. RCW 9.94A.730 PROVIDES SCOTT WITH A MEANINGFUL OPPORTUNITY FOR RELEASE.

Scott argues that he is entitled to a resentencing in which his youthful attributes at the time of the crime can be fully considered. His argument should be rejected. Because Scott has a meaningful opportunity for release pursuant to RCW 9.94A.730, a new sentencing hearing is not constitutionally required. Scott's

opportunity for release pursuant to RCW 9.94A.730 is an adequate remedy for any constitutional error arising from the imposition of the original 900-month sentence.[5]

In 2014, the Washington legislature enacted a series of laws to comply with Miller v. Alabama. See LAWS OF 2014, ch. 130. As part of this effort, the legislature enacted RCW 9.94A.730, which provides that "any person convicted of one or more crimes committed prior to the person's eighteenth birthday may petition the indeterminate sentence review board [hereinafter "ISRB"] for early release after serving no less than twenty years of total confinement." RCW 9.94A.730(1).[6] Under that statute, there is a presumption that the offender will be released unless the ISRB determines that the offender is likely to commit more crimes:

> The board shall order the person released under such affirmative and other conditions as the board determines

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[5] The State does not concede that Scott could not be sentenced to life without parole based on the brutal murder of Agnes Jackson. But the State concedes that in 1990 the sentencing court did not adequately consider the attributes of youth as now required by Miller.

[6] This provision explicitly excludes offenders convicted of aggravated murder, who are subject to different procedures. A juvenile offender convicted of aggravated murder will be sentenced to an indeterminate sentence of not less than 25 years to life if the offender is 16 years old or older. If the offender is younger than 16, the court must impose an indeterminate sentence of 25 years to life. RCW 10.95.030. The legislature explicitly allowed juvenile offenders previously convicted of aggravated murder (and thus sentenced to mandatory life without parole) to be returned to the sentencing court for setting a minimum term that must take into account the diminished culpability of youth as provided in Miller. RCW 10.95.035; 10.95.030(3).

> appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the person will commit new criminal law violations if released.

RCW 9.94A.730(3). The statute has additional procedures intended to aid in releasing offenders safely into the community. Five years before an offender is eligible for release, the Department of Corrections (hereinafter "department") is required to conduct an assessment of the offender and identify any programs or services that would be appropriate to prepare the offender to return to the community. RCW 9.94A.730(2). The department must make such programming available to the extent possible. Id. Within six months of receiving a petition for release, the department is required to conduct an examination of the offender using accepted methodologies for predicting dangerousness. RCW 9.94A.730(3). An offender who is released is subject to conditions set by the ISRB and monitored by the department. RCW 9.94A.730(5). An offender may be returned to prison for violating a condition of release, but may file a new petition for release five years from that return, or sooner if allowed by the ISRB. RCW 9.94A.730(7). An offender who is denied release may file a new petition for release five years after the denial, or sooner if allowed by the ISRB.

RCW 9.94A.730(6). Judicial review of the ISRB's decision may be sought by personal restraint petition pursuant to RAP 16.4(b), and the ISRB's decisions are reviewed under an abuse of discretion standard. In re Pers. Restraint of Dyer, 164 Wn.2d 274, 189 P.3d 759 (2008); In re Pers. Restraint of Ecklund, 139 Wn.2d 166, 985 P.2d 342 (1999).[7]

RCW 9.94A.730 provides an opportunity for release for juvenile offenders after 20 years of incarceration. The procedures and the decisions of the ISRB demonstrate that the opportunity for release is real and meaningful, and not illusory. In fact, the hearing outcomes posted on the ISRB's website show that between October 2016 and March 2017, the ISRB found six offenders to be

[7] In this case, Scott's petition for release was considered by the ISRB at a hearing held on March 15, 2016. Both Scott and his attorney addressed the board and answered their questions. The board considered Scott's department records, letters of support, the presentence investigation report, the recommendation of the King County Prosecuting Attorney and a psychological evaluation performed in accordance with RCW 9.94A.730(3). In a written decision dated April 26, 2016, the ISRB denied release, but stated that it will allow Scott to petition for release again in March of 2019, or upon completion of two department programs: Sex Offender Treatment and Assessment Program and Thinking For a Change. The reasons for the board's decision are set forth in its written decision. The board is concerned that Scott's description of the offense differs from the official version, that he continues to deny the sexual nature of the offense, and that the risk assessments performed indicate a likelihood of further offenses. See Motion to Supplement Record with ISRB Hearing and Decision, filed contemporaneously with this brief.

releasable pursuant to RCW 9.94A.730. http://doc.wa.gov/ corrections/isrb/docs/prison-hearings.xls.[8]

In Montgomery v. Louisiana, 135 S. Ct. at 736, the Court explicitly approved of such a legislative remedy. The Court held that the states are not required to relitigate sentences where the juvenile offender received a life sentence. "A State may remedy a Miller violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them." Id. The Court cited to a Wyoming statute, Wyo. Stat. Ann. § 6-10-301(c), as an example of a constitutionally adequate remedy to a Miller violation. The Court explained, "Allowing those offenders to be considered for parole ensure that juveniles whose crimes reflected only transient immaturity—and who have since matured—will not be forced to serve a disproportionate sentence in violation of the Eighth Amendment." Montgomery, 135 S. Ct. at 736. Scott may argue that this is dicta, since no such statute applied in Montgomery's case. But carefully considered language in a Supreme Court decision, even if technically dicta, should be treated

[8] Offenders seeking release pursuant to RCW 9.94A.730 are indicated as "JUVBRD" on the ISRB's prison hearing schedule. The schedules reflect that Lars Snow, Daunelle Bird and Kiet Hoang Le have been determined to be releasable, and Justin Laks, John Forrester and Michael Weatherman have been determined to be releasable in August of 2018. http://doc.wa.gov/corrections/ isrb/docs/prison-hearings.xls

as authoritative. United States v. Dorcely, 454 F.3d 366, 375 (D.C. Cir. 2006). In Montgomery, the Supreme Court recognized the broad impact of its decision and clearly intended to give direction to the states. There is no reason to doubt that the Court meant exactly what it said. Resentencing is not necessary to remedy a Miller violation if the offender is given a meaningful opportunity for parole. See State v. Williams-Bey, 167 Conn.App. 744, 144 A.3d 467 (2016) (stating, "It thus is illogical to categorize Montgomery's conclusion that Miller applies retroactively as the holding of the court, but its pronouncement of a constitutionally adequate remedy in light of Miller's retroactive application as not being germane to that holding, and, thus, mere dicta.").

The Wyoming statute approved by the Court is not substantially different from RCW 9.94A.730. Indeed, if anything, RCW 9.94A.730 provides a greater opportunity for release. Wyo. Stat. Ann. § 6-10-301 provides that "[a] person sentenced to life imprisonment for an offense committed before the person reached the age of eighteen (18) years shall be eligible for parole after commutation of his sentence to a term of years or after having served twenty-five (25) years of incarceration, except that if the person committed any of the acts specified in W.S. 7-13-402(b)

after having reached the age of eighteen (18) years the person shall not be eligible for parole."[9] The Wyoming statute does not create a presumption of release, or provide a standard for the granting of parole. RCW 9.94A.730 provides as meaningful an opportunity for release as the Wyoming statute cited with approval in Montgomery.

Courts in other states that have addressed the same question with regard to their own legislative fixes have agreed that a statute that provides an opportunity for parole makes resentencing unnecessary. In State v. Franklin, 63 Cal.4th 261, 268, 370 P.3d 1053, 202 Cal. Rptr. 496 (2016), the defendant had been sentenced to 50 years for a murder he committed at age 16. California enacted Cal. Penal Code §§ 3051 and 4081 in 2014, which provide a parole hearing to juveniles convicted of offenses after 15, 20 or 25 years of incarceration, depending on the offense. Cal. Penal Code § 3051. The California Supreme Court held that the statutory parole procedure supersedes the original sentence by operation of law. Franklin, 63 Cal.4th at 279. The court concluded that "Franklin is now serving a life sentence that includes a

[9] The Wyoming statute governing sentences of life without parole was amended to include this provision in 2013.

meaningful opportunity for release during his 25th year of incarceration, making his Miller claim moot and rendering resentencing unnecessary." Id. at 279-80. Id.

In State v. Delgado, 323 Conn. 801, 151 A.3d 345 (2016), the defendant was sentenced to 65 years for a murder he committed at age 16. Connecticut enacted a statute making a juvenile sentenced to more than 10 years eligible for parole after serving 60 percent of the sentence, or after 30 years. Conn. Gen. Stat. Ann. § 54-125a(f). The Connecticut Supreme Court held that in light of the statutory process, Delgado was no longer serving an unconstitutional sentence, and resentencing was not required. 323 Conn. at 352.[10]

Scott is now eligible to petition for release pursuant to RCW 9.94A.730. Thus pursuant to Montgomery, any Miller violation arising from Scott's determinate sentence of 900 months has been remedied by RCW 9.94A.730, which has converted that sentence to an indeterminate sentence of 20 years to life. Scott is eligible to

[10] See also Virginia v. LeBlanc, ___ U.S. __, 137 S. Ct. 1726, __ L. Ed. 2d __ (2017) (per curiam) (Virginia Supreme Court did not clearly err in concluding that release program employing normal parole factors provided a meaningful opportunity for release as required by Graham).

petition again for release, and this procedure ensures that he has a meaningful opportunity for release.[11]

3. SCOTT'S MOTION FOR RESENTENCING SHOULD BE DISMISSED AS UNTIMELY COLLATERAL ATTACK.

Scott's motion for resentencing is a collateral attack that is governed by RCW 10.73.090. This collateral attack should be dismissed either because it is untimely, or because Scott is not currently actually and substantially prejudiced by a constitutional violation. RCW 10.73.090 provides that no motion collaterally attacking a judgment and sentence may be filed more than one year after the judgment becomes final, if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction. RCW 10.73.090(1). A judgment becomes final on the date that it is filed with the clerk of the trial court, or the date that an appellate court issues its mandate disposing of a timely direct appeal from the conviction, whichever is later. RCW 10.73.090(3). In the present case, the defendant's conviction

[11] Scott made no state constitutional claim either in his brief to the Court of Appeals or in his petition for review. If Scott raises a state constitutional claim for the first time in his supplemental brief, the State requests that it not be considered, or that the State have an additional opportunity to address that claim. RAP 13.7(b).

became final on June 5, 1995, when the mandate from his direct appeal was issued by this Court. CP 56.

An exception to the one-year time limit contained in RCW 10.73.090 exists for errors that render the judgment and sentence "invalid on its face." RCW 10.73.090(1). A judgment is valid on its face unless the judgment evidences an error without further elaboration. In re Pers. Restraint of Thompson, 141 Wn.2d 712, 10 P.3d 380 (2000). "[T]he general rule is that a judgment and sentence is not valid on its face if the trial judge actually exercised authority (statutory or otherwise) it did not have." In re Pers. Restraint of Scott, 173 Wn.2d 911, 917, 271 P.3d 218 (2012). Because the United States Supreme Court has not categorically barred life sentences for certain juvenile offenders who commit especially heinous homicides, the constitutionality of a 900-month sentence for murder cannot be determined on the face of the judgment and sentence. Scott's judgment and sentence is not invalid on its face.

RCW 10.73.100(6) provides an exception to the time bar where there "has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence, or other order entered in a criminal or civil proceeding

instituted by the state or local government, and either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard."

Miller is a significant change in the law that applies retroactively pursuant to Montgomery, but the change is not material to Scott's current indeterminate sentence of 20 years to life. The enactment of RCW 9.94A.730 provides the necessary relief to remedy any constitutional violation, as argued above. As such, the significant change in the law is not material to Scott's sentence and thus the Court of Appeals properly dismissed Scott's collateral attack as untimely.

In the alternative, if this Court were to conclude that the petition is not time-barred, Scott is still not entitled to resentencing. In order to obtain relief in a timely collateral attack based on an alleged constitutional violation, the petitioner must establish that he is actually and substantially prejudiced by a violation of his constitutional rights. In re Pers. Restraint of Lord, 152 Wn.2d 182, 188, 94 P.3d 952 (2004). Because Scott now has a meaningful

opportunity for release pursuant to RCW 9.94A.730, he is not actually and substantially prejudiced by any constitutional violation that occurred with imposition of the original 900-month determinate sentence.

In addition, in order to obtain relief in a timely collateral attack, the petitioner must show that other available remedies are inadequate. RAP 16.4(d). RCW 9.94A.370 is an adequate remedy for the reasons argued above. Whether Scott's collateral attack is timely or not, he is not entitled to resentencing.

D. CONCLUSION

The Court of Appeals decision dismissing Scott's motion for relief from judgment as untimely should be affirmed.

DATED this 5th day of July, 2017.

Respectfully submitted,

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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Jeffrey Ellis, the attorney for the petitioner, at jeffreyerwinellis@gmail.com, containing a copy of the Supplemental Brief of Appellant-Respondent, in State v. Jaimar Eli Scott, Cause No. 94020-7, in the Supreme Court, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated this 5 day of July, 2017.

Name:
Done in Seattle, Washington

Today I directed electronic mail addressed to Robert Chang and Melissa Lee, the attorney for the amicus Curiae Fred K. Korematsu Center for Law and Equality, at changro@seattleu.edu and leeme@seattleu.edu, containing a copy of the Supplemental Brief of Appellant-Respondent, in State v. Jaimar Eli Scott, Cause No. 94020-7, in the Supreme Court, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated this 5 day of July, 2017.

Name:
Done in Seattle, Washington

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