

No. 94973-5

NO. 76205-2-I

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

STATE OF WASHINGTON,

Respondent,

v.

TYLER WILLIAM WATKINS,

Appellant.

BRIEF OF RESPONDENT

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I. ISSUES

1. RCW 13.04.030 sets out the exclusive original jurisdiction of the juvenile court. It exempts from the jurisdiction of the juvenile court minors between the ages of sixteen and seventeen who are charged with one or more enumerated serious violent and violent offense. Does this statute violate Due Process guarantees?

2. Should the Court speculate whether the defendant would have been retained in juvenile court had he not been subject to original adult court jurisdiction where there is no record that could guide the court in that analysis?

II. STATEMENT OF THE CASE

The defendant, Tyler Watkins, was charged with one count of First Degree Burglary on September 12, 2016. The charge was based on information that the defendant and his younger brother had knocked on the victim homeowner's door at 3:30 a.m. purportedly looking for a cat. They were refused entrance by the homeowner. Seven days later the homeowner discovered his house had been broken into and about nine firearms were stolen. Fingerprints at the scene matched the defendant's fingerprints. A search of the defendant's home located three of the nine guns stolen in the burglary. 1 CP 20, 111-114.

Watkins was 16 years old at the time he was charged. He had a prior convictions for harassment and theft of a firearm. Due to the nature of the charge and the defendant's prior criminal history the information was filed in Superior Court pursuant to the provisions of RCW 13.04.030(1)(e)(v)(D). 1 CP 111-112, 115.

Prior to trial the defendant filed a "Defense Motion Objecting to Auto-Declination" arguing that RCW 13.04.030(1) violated Due Process, the Eighth Amendment and Washington Constitution Art. 1, §14. He asked the court to refer his case to juvenile court for trial or for a decline hearing. 1 CP 102-110; 10/20/16 RP 6. The court denied the motion reasoning that it was bound by prior Supreme Court authority holding the statute did not violate either constitutional provision. 1 CP 86; 10/20/16 RP 7-9.

Thereafter the defendant stipulated to a bench trial on agreed documentary evidence. 1 CP 22-85. He was found guilty after bench trial. 1 CP 20-21. The defendant's standard range was 15-20 months confinement. He agreed to a recommendation of 16 months and in exchange the State agreed to dismiss other charges that were pending in juvenile court. 1 CP 8-9; 11/17/16 RP 2-3. The court accepted the recommendation and sentenced the defendant to 16 months confinement. 1 CP 10.

III. ARGUMENT

A. CASES DECIDED UNDER THE EIGHTH AMENDMENT DO NOT ESTABLISH STATUTES CONFERRING ADULT COURT JURISDICTION OVER JUVENILES WHO COMMIT CERTAIN OFFENSES VIOLATES DUE PROCESS.

Washington Constitution Art. 4, §6 grants superior courts original jurisdiction "in all criminal cases amounting to a felony..." The legislature may promulgate procedures directing which "sessions" of the superior court will hear certain types of cases. Washington Constitution Art. 4, §5. The juvenile court is one such session of the superior court created by the legislature to preside over juvenile cases. State v. Posey, 174 Wn.2d 131, 136-137, 272 P.3d 840 (2012).

The juvenile court has original jurisdiction over most criminal offenses committed by juveniles. RCW 13.04.030(e). It specifically exempts from the juvenile court's exclusive jurisdiction certain crimes committed by persons who were sixteen or seventeen years old on the date the alleged offense was committed. RCW 13.04.030(e)(v).¹

¹ The defendant refers to this as the auto decline statute. Courts have likewise adopted this short-hand term. This term should be retired as it is misleading. "Auto-decline" suggests that at some point the juvenile court had jurisdiction before the case was transferred to adult superior court. Since RCW

The defendant argues RCW 13.04.030(e)(v) violates Due Process. A statute is presumed constitutional. State v. Jorgenson, 179 Wn.2d 145, 150, 312 P.3d 960 (2103). The party challenging the constitutionality of a statute has a heavy burden to prove the statute is unconstitutional beyond a reasonable doubt. State v. Leatherman, 100 Wn. App. 318, 321, 997 P.2d 929 (2000). The constitutionality of a statute is reviewed de novo. If possible the Court will construe a statute so as to render it constitutional. Jorgenson, 179 Wn.2d at 150.

The Supreme Court considered a Due Process challenge to RCW 13.04.030(e)(v) in In re Boot, 130 Wn.2d 553, 925 P.2d 964 (1996). There the court held the statute did not violate due process principles. Id. at 570-572. The defendant argues that the authority Boot relied on to reach this conclusion has been overruled by Roper v. Simmons, 543 U.S. 551, 554, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005), Graham v. Florida, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010), Miller v. Alabama, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012), and Montgomery v. Louisiana, ___ U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599 (2016). He therefore

13.04.030 exempts certain 16 and 17 year olds from juvenile court jurisdiction no "decline" ever occurs. The State respectfully asks the Court to call the statute what it is – a statute that confers original adult jurisdiction on certain juveniles.

concludes that Boot is no longer good law. BOA at 12. The court should reject this argument because those cases were decided on the basis of a completely different constitutional provision. The analysis in those cases does not compel the conclusion that the Boot was incorrectly decided.

In Roper, the Court concluded that the Eighth Amendment categorically barred the death penalty for juvenile offenders. Roper, 543 U.S. at 569-575. It reached the same conclusion as applied to sentences of life without the possibility of parole for juvenile offenders who did not commit homicide in Graham, 560 U.S. at 82. For those offenders the Eighth Amendment required that juveniles be afforded a meaningful opportunity for release, although it did not foreclose the possibility that persons convicted of non-homicide offenses as juveniles could ultimately be incarcerated for life. Id. at 75. In Miller the Court held the Eighth Amendment mandated individualized sentencing for juveniles convicted of murder who were facing a potential sentence of life without possibility of parole. Miller, 567 U.S. at 479. The holding in Miller is applied retroactively to cases on collateral review. Montgomery, 136 S.Ct. at 736.

The holdings in each of these forgoing cases do not support the defendant's arguments because each of these cases was

decided on the theory that the Eighth Amendment barred a particular punishment. They did not address Due Process concerns regarding the jurisdiction of the court presiding over a juvenile defendant's case.

The framework for deciding cases under the Eighth Amendment is different from the framework for deciding whether a statute violates Due Process under the Fourteenth Amendment or Washington Constitution Article 1, §3. An Eighth Amendment analysis relates to punishment. The question there is whether the punishment is disproportionate to the crime. Under this analysis the Court developed certain categorical rules that consider the nature of the offense and the characteristics of the offender. Graham, 560 U.S. at 59-60.

In contrast Due Process encompasses procedural and substantive rights. The substantive component bars wrongful and arbitrary government action. State v. Beaver, 184 Wn.2d 321, 332, 358 P.3d 385 (2015). The analysis starts with identifying the interest affected by government action. If the interest is fundamental liberty interest the action is subject to strict scrutiny. That requires government action be narrowly tailored to serve a compelling state interest. Amunrud v. Board of Appeals, 158 Wn.2d

208, 220, 143 P.3d 571 (2006). If the interest does not fall within that category the inquiry is whether a rational relationship exists between the challenged law and a legitimate state interest. Id. at 222. If the substantive component of due process is satisfied procedural due process requires that government action be implemented in a fundamentally fair way. Beaver, 184 Wn.2d at 332.

These analytical differences reveal that each constitutional provision is designed to address distinct concerns. Roper, Graham, and Miller all dealt with punishment. Whether a punishment is disproportionate is concerned with the impact of the sentence on the defendant. In contrast RCW 13.04.030(e)(v) deals with the court's jurisdiction. Whether a juvenile's case should be processed in juvenile or adult court is a question that relates to both the public's interest and the youth's interests. State v. Furman, 122 Wn.2d 440, 447, 858 P.2d 1092 (1993); RCW 13.40.110(3).

Boot rejected an Eighth Amendment challenge to the statute because the defendants there had not yet been punished. No argument had been asserted that the jurisdiction of the court was itself was punishment. The adult court's ability to impose greater sentences than the juvenile court was not in and of itself a basis on

which to find that court's jurisdiction amounted to punishment for Eighth Amendment purposes. Boot, 130 Wn.2d at 569-570.

None of the Eighth Amendment cases that the defendant relies on address whether the jurisdiction of the court processing the juvenile's case is punishment in and of itself. Miller and Graham acknowledged the existence of statutes providing for exclusive jurisdiction in adult courts over juveniles throughout the country, but did not suggest those statutes were constitutionally infirm. Miller, 567 U.S. 478-489; Graham, 560 U.S. 66-67. Several cases support the conclusion that jurisdiction is not itself punishment. Those cases found that, where appropriate, a sentence authorized under the Juvenile Justice Act (JJA) may be imposed on a juvenile offender subject to adult court jurisdiction.

In Posey the defendant aged out of the juvenile system while his appeal was pending. At re-sentencing after his first appeal the trial court treated itself as a superior court, and sentenced the defendant to a standard range sentence according to the JJA. The Court affirmed this sentence holding that where a statute prohibited juvenile jurisdiction, the superior court retained constitutional jurisdiction over felony offenses. Posey, 174 Wn.2d at 135.

Similarly when the juvenile court lost jurisdiction due to counsel's failure to move for an extension of jurisdiction the appropriate remedy was to allow proceedings consistent with the JJA. In that regard the defendant was permitted an opportunity to accept a plea to a deferred disposition. State v. Maynard, 183 Wn.2d 253, 264, 351 P.3d 159 (2015).

Although a juvenile subject to superior court jurisdiction may be subject to a greater sentence than he would have been in juvenile court, the age of the offender is still a relevant sentencing consideration. For that reason mandatory provisions of the SRA do not apply to juveniles processed in adult court. State v. Houston-Sconiers, 188 Wn.2d 1, 9, 391 P.3d 409 (2017). Youth also plays a role in assessing an appropriate sentence for young offenders who are older than 18. Relying on the same reasoning that supported the holdings in Roper, Graham, and Miller the Court clarified that youth may establish diminished culpability justifying an exceptional sentence below the standard range. State v. O'Dell, 183 Wn.2d 680, 695-696, 358 P.3d 359 (2015).

The forgoing authorities demonstrate that the jurisdiction of the court is not in and of itself punishment. Depending on the circumstances the juvenile offender subject to the adult court

jurisdiction may face penalty consistent with the SRA, penalty consistent with the JJA, or a combination of both, wherein the individual characteristics of the juvenile offender guide whether he is subject to an otherwise mandatory sentencing provision or something less.

Three courts from other jurisdictions have recently addressed the same argument the defendant makes here in light of those state's statutes conferring adult jurisdiction on certain juvenile offenders. In People v. Patterson, 25 N.E.3d 526 (Ill. 2014) a fifteen year old was charged with three counts of aggravated criminal sexual assault. Pursuant to the Illinois automatic transfer statute his case was transferred from the juvenile court to the adult court where he was convicted. Like the defendant here, Patterson argued the Illinois automatic transfer statute violated due process, relying on Roper, Graham, and Miller. The court rejected the argument noting those cases were decided under an Eighth Amendment theory. "[A] constitutional challenge raised under one theory cannot be supported by decisional law based purely on another provision." Id. at 549.

The Idaho Supreme Court came to the same conclusion in State v. Jensen, 385 P.3d 5 (Idaho 2016). Jensen was seventeen

years old when he was charged with attempted murder, an offense that caused his case to be tried in adult court under I.C. §20-509. He argued that his Due Process right had been violated relying on Miller, Graham, and Roper. He claimed that juveniles had a liberty interest in not automatically being treated as adults in the criminal justice system. The Court rejected the argument finding the Eighth Amendment cases were not on point. Id. at 10.

Most recently the Ohio Supreme Court addressed the issue in State v. Aslim, __ N.E.3d __ (Ohio 2017 WL 2274997). (Aslim II)². Like Patterson and Jensen the Court in Aslim II found the cases decided under the Eighth Amendment were inapplicable to support the defendant's Due Process claim that he had a right to juvenile court jurisdiction. Aslim II, __ N.E.3d __ at ¶ 26.

The reasoning in Patterson, Jensen, and Aslim II applies equally to Washington's comparable statute conferring adult court

² The defendant cited Aslim I as a case in which the Ohio Court found a statute conferring adult court jurisdiction on certain juvenile offenders was unconstitutional. BOA at 6. State v. Aslim, __ N.E.3d __ (Ohio 2016 WL 7449237). After the defendant filed his opening brief the Ohio Supreme Court granted reconsideration and vacated that decision. The Court reconsidered its decision because it had failed to take into account that Article IV, §4(B) of the Ohio Constitution granted the General Assembly exclusive authority to define the jurisdiction of the courts of common pleas. Aslim __ N.E.3d __ at ¶3 (Aslim II). Washington Constitution Art. IV, §5 and §6 grants the Legislature the same authority to vest original jurisdiction in alternative forums. Posy, 174 Wn.2d at 136-137.

jurisdiction over sixteen and seventeen year old offenders who commit certain enumerated serious violent and violent offenses. Roper, Graham, and Miller do not support the defendant's Due Process challenge to the statute conferring adult court jurisdiction over his case.

B. THE STATUTE CONFERRING ADULT COURT JURISDICTION OVER JUVENILES WHO COMMITTED CERTAIN OFFENSES DOES NOT VIOLATE DUE PROCESS.

As noted above the court found RCW 13.04.030(1)(e)(v) does not violate due process principles in Boot. The court found that since "there is no constitutional right to be tried in a juvenile court" the defendants were not deprived of any constitutionally protected right when the statute conferred original jurisdiction on the superior court without a decline hearing. Thus there was no procedural due process violation. Boot, 130 Wn.2d at 571 quoting State v. Dixon, 114 Wn.2d 857, 860, 792 P.2d 137 (1990).

The Court also addressed the substantive Due Process argument that juveniles had "a constitutional right to punishment in accordance with one's culpability" which depended on the juvenile's ability to make reasoned decisions about the consequences of his actions. To support that argument the defendant relied on Thompson v. Oklahoma, 478 U.S. 815, 108 S.Ct. 2687, 101

L.Ed.2d 702 (1988). That case held that the Eighth and Fourteenth Amendment prohibited executing a person who was less than sixteen at the time of the offense. The Court rejected that argument because the defendant there was older than sixteen and not facing the death penalty. Boot, 130 Wn.2d at 572.

Nothing in the Eighth Amendment cases relied on by the defendant demands that Boot's Due Process analysis be overturned. No Washington court has yet overruled Boot or held that the Roper, Graham, Miller trilogy of Eighth Amendment cases abrogates the Court's Due Process analysis in Boot. In the wake of those cases the Supreme Court specifically refused to address whether to overrule Boot in Houston-Sconiers, 188 Wn.2d at 26-27.

Since Boot was decided the Court has reiterated that there is no constitutional right to be tried as a juvenile. State v. Maynard, 183 Wn.2d 253, 259, 351 P.3d 159 (2015), In re Dalluge, 152 Wn.2d 772, 783 n.8, 100 P.3d 279 (2004). The right attaches only if a court is given statutory discretion to assign juvenile or adult court jurisdiction. State v. Salavea, 151 Wn.2d 133, 140, 86 P.3d 125 (2004). Just as Boot found, the statute does not deprive juveniles subject to RCW 13.04.030(e)(v) of any constitutionally protected right. Boot 130 Wn.2d at 571. Conferring jurisdiction on sixteen

and seventeen year olds who commit certain crimes does not violate procedural due process.

The defendant's assertion that the Court's substantive Due Process analysis in Boot is no longer valid rests on the assertion that the court's reasoning relied on Stanford v. Kentucky, 492 U.S. 361, 109 S.Ct. 2969, 106 L.Ed.2d 306 (1989) which was later abrogated in Roper, 543 U.S. at 574. That was not the sole basis for the court's reasoning however. Considering the interests at issue the statute satisfies substantive due process requirements.

The interest the defendant identifies is in JJA sentences. Not only do those sentences differ in length, but there are sentencing options and privacy protections for offenders processed in juvenile court that are not available in adult court. BOA at 10. He argues that the rational on which the Eighth Amendment cases were decided compels the conclusion that before the adult superior court can exercise jurisdiction over juveniles, Due Process requires the kind of hearing mandated in Kent v. United States, 383 U.S. 541, 554, 86 S.Ct. 1045, 16 L.E.2d 84 (1966). BOA at 8-9.

The statute should be strictly construed only if the court finds this identified interest is a fundamental liberty interest. Amunrud, 158 Wn.2d at 220. "Fundamental" liberty interests are those that

are deeply rooted in the Nation's history and tradition. Washington v. Glucksberg, 521 U.S. 702, 721, 117 S.Ct. 2258, 138 L.Ed.2d 772 (1997). "The protections of substantive due process have for the most part been accorded to matters relating to marriage, family, procreation, and the right to bodily integrity." Albright v. Oliver, 510 U.S. 266, 272, 114 S.Ct. 807, 127 L.Ed.2d 114 (1994). The Court has been reluctant to expand the concept of substantive due process beyond those limited concerns. District Attorney's Office of Third Judicial District v. Osborne, 557 U.S. 52, 72, 129 S.Ct. 2308, 174 L.Ed.2d 38 (2009).

The defendant's asserted interest in juvenile court jurisdiction is not one of those interest the court has traditionally considered "fundamental." Nor is it one that should be included in that class of interests. Both the Fourteenth Amendment and Art. 1, §3 were adopted before the first juvenile justice legislation was enacted. The first legislation establishing juvenile courts was not enacted until 1905. The JJA was originally enacted in 1977. State v. Saenz, 175 Wn.2d 167, 172, 283 P.3d 1094 (2012). The Washington constitution was adopted in 1889. The Fourteenth Amendment was ratified before that date. Given a similar timeline the Ohio Supreme Court held the Ohio statute conferring adult

jurisdiction on certain juveniles was not “deeply rooted in the Nation’s history and tradition” and therefore did not violate substantive due process. Aslim __ N.E.3d __ ¶17-20 (Aslim II).

Similarly the Idaho court found that a juvenile had no liberty interest in being placed in the juvenile court system. Since he had no “statutory right and no expectation, from either legislation or state conduct” to be initially processed in that court the Fourteenth Amendment was not implicated. Jensen, 385 P.3d at 11.

Like Ohio and Idaho, Washington has reaffirmed repeatedly that there is no constitutional right to be tried as a juvenile. Boot, 130 Wn.2d at 571; Maynard, 183 Wn.2d at 259. It should therefore not be treated as a “fundamental” liberty interest entitled to strict scrutiny. Analyzed under the rational relationship test, RCW 13.04.030(1)(e)(v) satisfies substantive due process requirements.

The 1994 amendment to RCW 13.04.030 conferring adult court jurisdiction on sixteen and seventeen year olds who committed certain offense was enacted as part of comprehensive changes to state law for the express purpose of deterring violent conduct. Boot, 130 Wn.2d at 560-561. The legislature found:

[T]he increasing violence in our society causes great concern for the immediate health and safety of our citizens and our social institutions. Youth violence is

increasing at an alarming rate and young people between the ages of fifteen and twenty-four are at the highest risk of being perpetrators and victims of violence. . . The legislature finds that violence is abhorrent to the aims of a free society and that it cannot be tolerated. State efforts at reducing violence must include changes in criminal penalties...it is the immediate purpose of this chapter ..., Laws of 1994 (this act) to: (1) Prevent acts of violence by encouraging change in social norms and individual behaviors that have been shown to increase the risk of violence, ...(3) increase the severity and certainty of punishment for youth and adults who commit violent acts...

Laws of Washington 1st Sp. Sess. Ch 7, §1.

Deterrence is recognized as a legitimate state interest. Miller, 567 U.S. at 479 citing Ewing v. California, 538 U.S. 11, 25, 123 S.Ct. 1179, 155 L.Ed.2d 108 (2003). Deterrence relates to public safety, a goal achieved by reducing the rates at which violent crimes are committed. Providing for increased penalties is rationally related to that interest. Cf. State v. Manussier, 129 Wn.2d 652, 674, 921 P.2d 478 (1996) (Increased penalties under the three strikes law is rationally related to the legitimate state goal of public safety.) Conferring adult court jurisdiction on sixteen and seventeen year old juveniles who commit certain serious offenses allows for the potential for increased penalties on those juvenile

offenders. This it is rationally related to the goal of public safety and deterrence.

The reasoning of the Eighth Amendment cases the defendant relies on does not diminish this relationship. The court was skeptical of the deterrent effect of the death penalty or life without parole for non-homicide offenses on juvenile offenders. Roper 543 U.S. at 571; Graham, 560 U.S. at 72. It did not say that all juveniles were so immature that no penalty would have a deterrent effect. In fact in Miller the Court remarked “[t]hat Miller deserved severe punishment for killing Cole Cannon is beyond question.” Miller, 567 U.S. at 479.

Juveniles processed in the adult system can be subject to more severe penalties than they would otherwise face in juvenile court. There are sentencing options available in juvenile court that are not available under the Sentencing Reform Act. Compare RCW 13.40.127 providing for deferred dispositions with RCW 9.94A.575 abolishing the authority to defer sentences except for special sex offender sentencing alternative. However, the jurisdictional limitations of the juvenile court may also result in an older juvenile offender facing even less penalty than his younger counterpart if retained under the juvenile court’s jurisdiction. Before the 1994

amendment to RCW 13.04.030 was enacted the court found this limitation was an appropriate basis on which to transfer a defendant who had committed murder to adult court. Furman, 122 Wn.2d at 447-448. Placing older juveniles directly within the jurisdiction of the adult court eliminates this possibility. It is therefore also rationally related to the additional state interest in offender accountability. RCW 13.40.010(2) ("It is the further intent of the legislature that youth, in turn, be held accountable for their offenses..."), RCW 9.94A.010 (ensuring that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history).

Whether a juvenile will be subject to the penalty mandated by the legislature may depend on the trial court's findings regarding the individual characteristics of the juvenile offender. Houston-Sconiers, 188 Wn.2d at 9; O'Dell, 183 Wn.2d 695-696. Although that discretion has altered the certainty of the exact term of a sentence imposed in adult court, the potential for a more severe penalty remains a compelling incentive to deter violent offenses, either in the first instance or as a recidivist. It is therefore rationally related to the goal of accountability, public safety and decreasing the occurrence of violent crime.

C. THE COURT SHOULD NOT CONDUCT A KENT ANALYSIS.

The defendant next argues that had he been originally charged in juvenile court and the court had held a Kent hearing, the court would likely have retained juvenile court jurisdiction. Since he was never entitled to juvenile court jurisdiction this argument is irrelevant. Moreover, since a Kent analysis is highly fact specific, and those facts are not in the record, the court should refuse to accept the invitation to speculate what would have happened had the law been different.

A juvenile who is properly subject to juvenile court jurisdiction may be transferred to adult court upon motion of the prosecutor, the juvenile respondent, or the court. RCW 10.40.110. The court must hold a hearing before doing so. At that hearing the court must consider

(1) the seriousness of the alleged offense and whether the protection of the community requires declination; (2) whether the offense was committed in an aggressive, violent, premeditated or willful manner; (3) whether the offense was against persons or only property; (4) the prosecutive merit of the complaint; (5) the desirability of trial and disposition of the entire case in one court, where the defendant's alleged accomplices are adults; (6) the sophistication and maturity of the juvenile; (7) the juvenile's criminal history; and (8) the prospects for adequate protection of the public and rehabilitation of the juvenile through services available in the juvenile system

Furman, 122 Wn.2d at 447.

The decision whether to transfer a juvenile to adult court is based on a consideration of relevant reports, fact, opinion, and arguments presented by the parties. RCW 13.40.110(3). The defendant has presented argument, but the record contains no other materials from which the court could make a reasoned decision whether the defendant would have be transferred or not. The record that does exist includes the defendant's criminal history, and some information about the seriousness of the crime he committed, but no other information about the offense or the defendant that is relevant and must be weighed in a decline hearing. Since there is little basis on which to decide the defendant's claim, and any decision would be pure speculation based on incomplete information, the Court should not consider the defendant's argument that had he been entitled to a Kent hearing the court would have retained juvenile court jurisdiction.

IV. CONCLUSION

The statute conferring adult court jurisdiction over the defendant did not violate Due Process. For that reason the Court should affirm the defendant's conviction.

Respectfully submitted on July 7, 2017.

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THE STATE OF WASHINGTON,

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DECLARATION OF DOCUMENT
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I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 10th day of July, 2017, at the Snohomish County Office.



Diane K. Kremenich
Legal Assistant/Appeals Unit
Snohomish County Prosecutor's Office

SNOHOMISH COUNTY PROSECUTOR'S OFFICE

July 10, 2017 - 11:29 AM

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