

FILED
APR 9 2019
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON,)	No. 96683-4
)	
Respondent,)	ORDER
)	
v.)	Court of Appeals
)	No. 50014-1-II
J.C.F.,)	
)	
Petitioner.)	
)	
)	
)	

This case came before the Court on its April 4, 2019, En Banc Conference to consider the motion for discretionary review.

J.C.F. was convicted as a juvenile of a felony sex offense. The record in that case was sealed. After turning 21, he petitioned for the record to be unsealed so that he could petition for restoration of his right to possess firearms. The court granted the motion, unsealed the record, and entered an order restoring J.C.F.'s right to possess firearms.

The State appealed from the order restoring J.C.F.'s right to possess firearms, and the Court of Appeals used J.C.F.'s name in the case title instead of his initials. J.C.F. moved the court to change the case title to use his initials to protect his confidentiality. But a month after J.C.F. filed the motion, Division II of the Court of Appeals adopted General Order 2017-1, which precluded the court from granting a motion to change a case title to use a juvenile offender's initials unless the case was sealed in the trial court. In light of the new general order, Commissioner Schmidt entered a

ruling deferring J.C.F.'s motion to change the case title for 30 days, so that he could obtain an order from the trial court resealing the case.

J.C.F. moved in the trial court to seal the file in the case, but the court denied the motion. In its order, the court stated that it did not oppose the Court of Appeals' use of J.C.F.'s initials. Commissioner Schmidt entered a ruling "regrettably" denying J.C.F.'s motion to change the case title. Commissioner Schmidt acknowledged that the trial court did not oppose the use of initials, but he nonetheless concluded that that under General Order 2017-1, the Court of Appeals could not grant the motion to use J.C.F.'s initials as long as the trial court file was unsealed. The court later issued its decision on the State's appeal, reversing and remanding to the trial court.

After receiving the order of remand, J.C.F. moved in the trial court to reseal the record, with the State's approval. The court granted the motion and resealed the record. J.C.F. then filed a new motion in the Court of Appeals to change the title. The Court of Appeals denied the motion, explaining that the case was disposed of before RAP 3.4 was amended on September 1, 2018, to provide that in juvenile offender cases, parties must refer to juveniles by their initials. J.C.F. moved for this court's discretionary review.

The Court has concluded that the Court of Appeals had authority to change the case caption under RAP 12.7(a) as provided in RAP 2.5(c)(2), which gives appellate courts discretion to review the propriety of an earlier decision of the appellate court in the same case and, where justice would be best served, decide the case on the basis of the appellate court's opinion of the law at the time of the later review. See *Roberson v. Perez*, 156 Wn.2d 33, 42, 123 P.3d 844 (2005). Therefore, the Court unanimously agreed to the entry of the following order.

Now, therefore, it is hereby

ORDERED:

That the motion for discretionary review is granted and the case is remanded to the Court of Appeals for entry of necessary orders changing the case title in captions and any other court documents as necessary to avoid publicly disclosing J.C.F.'s identity. See RAP 3.4.

DATED at Olympia, Washington this 9th day of April, 2019.

For the Court

Fairhurst, C.J.
CHIEF JUSTICE