

New sentencing for killer of Ballard High student

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Brian Keith Ronquillo was convicted in the drive-by murder of Melissa Fernandes, a Ballard High student, in 1994. (Dean Rutz / The Seattle Times, 2014)

An appellate ruling calling for a new sentencing hearing for the gunman who killed a Ballard High School student in 1994 could open the door for young offenders facing long prison sentences to obtain early release.

By [Mike Carter](#)

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A ruling out of the state Court of Appeals opens the door for young offenders facing long prison sentences to plead their age and possibly obtain early release.

The opinion in the case of Brian Keith Ronquillo conforms Washington law with a series of recent rulings out of the U.S. Supreme Court, which acknowledge emerging science showing that the brains of juvenile and young offenders are not fully developed, and they often lack impulse control and have an “underdeveloped sense of responsibility.”

“Because juveniles have diminished culpability and greater prospects for reform, they are less deserving of the most severe punishments,” according to the [Court of Appeals opinion](#), paraphrasing the high court’s ruling in a decision called Miller vs. Alabama issued in 2012.



Melissa "Missy" Fernandes was killed in 1994.

With those findings as a backdrop, the Court of Appeals has sent Ronquillo back for a new sentencing hearing in King County Superior Court, with a strong recommendation that the trial court consider releasing him.

Ronquillo was a 16-year-old gang member convicted in the drive-by murder of Melissa Fernandes, a Ballard High School student in 1994. Fernandes, 16, was standing with a group of friends outside the school when a car containing Ronquillo and two others drove by and fired at least six shots into the group.

Two intended targets were not hurt, however, Fernandes was hit in the head and died on the sidewalk.

Ronquillo was sentenced to 51 years, which the of Appeals says amounts to a de facto sentence of life without parole. Under the Miller decision, such exceptionally long sentences given to youngsters are a violation of the Eighth Amendment prohibition against cruel and unusual punishment.

It is the second time in a year Ronquillo has been sent back for resentencing. In March 2014, the trial court — while sympathetic to his age and acknowledging the latest research — said it did not believe Miller could be applied to the case.

In its ruling last week, the Court of Appeals disagreed and directed the court to do so.

“Ronquillo’s sentence contemplates that he will remain in prison until the age of 68,” wrote appeals court Judge Mary Kay Becker. “This is a de facto life sentence. It assesses Ronquillo as virtually irredeemable. This is inconsistent with the teachings of Miller” and two other key U.S. Supreme Court rulings that preceded it.

Becker was joined in the opinion by Chief Judge Michael Spearman and Judge Ann Schindler.

The opinion recognized emerging findings in the science of adolescent development and the argument for diminished culpability of young offenders, said Paul Holland, an associate professor at the Seattle University School of Law who teaches in its Youth Advocacy Clinic.

“This is a very important decision,” he said, and is part of a trend of rulings at both the state and national level acknowledging that juvenile and young offenders should be treated differently under the law if they’re charged as adults.

In 2005, in a case called *Roper v Simmons*, the U.S. Supreme Court banned the death penalty for juveniles and followed that in 2010 with *Graham v. Florida*, which bars juveniles from receiving sentences of life without parole.

Miller concluded exceptionally long determinate sentences — like the 51 years given to Ronquillo — amount to a life without parole sentence and that *Graham* should apply, he pointed out.

In the high court’s current session, the justices are contemplating a case that could apply these rulings retroactively, Holland said.

In Washington, Holland said, the state Supreme Court has incorporated these rulings, and even expanded on them, finding in at least one case that the mitigating factors of youth and the evidence that young people’s brains are underdeveloped can be applied to someone over the age of 18.

“Right now, it is hard to know where this will end,” he said.

In the short term, he noted, that could be the Washington Supreme Court.

Becker, in her ruling, noted that there is an opinion out of Division 3 of the Court of Appeals that reaches the opposite conclusion her Division 1 panel arrived at in the Ronquillo case.

Dan Donohoe, the spokesman with the King County Prosecutor's Office, said attorneys there are reviewing the opinion and have not decided what their next step will be.

As for the mother of the murdered girl, Tammy Fernandes, the legal back and forth has been confusing and upsetting.

"Didn't we just do this last year?" she asked, referring to Ronquillo's resentencing in March 2014. "How many times do we have to go through this?"

"I think he should finish his time, and stop trying to use the child he used to be as a scapegoat," she said.

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