

# Tacoma's Halloween robbers deserve new sentencing hearing, state Supreme Court rules

Treson Lee Roberts, left, and Zyion Houston-Sconiers at their November 2012 arraignments for a series of robberies of trick-or-treaters. Peter Haley Staff file, 2012

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Two Tacoma residents who were teenagers when they received decades in prison for robbing kids of Halloween candy deserve new sentencing hearings, the Washington Supreme Court has ruled.

In [a decision released Thursday](#), a majority of the state's high court said the Eighth Amendment to the U.S. Constitution gives Superior Court judges wide discretion when sentencing juvenile offenders who have been convicted as adults of criminal misconduct.

That includes giving judges the authority to ignore otherwise legally required sentencing enhancements, including flat-time requirements for using guns during criminal acts.

What's more, the justices ruled, defendants who were younger than 18 when they committed crimes deserve a hearing at sentencing to determine whether a judge should consider any mitigating factors, including their age and upbringing, in shaping a proper sentence.

"To the extent our state statutes have been interpreted to bar such discretion with regard to juveniles, they are overruled," Justice Sheryl Gordon-McCloud wrote for the majority.

"Trial courts must consider mitigating qualities of youth at sentencing and must have discretion to impose any sentence below the otherwise applicable ... range and/or sentencing enhancements."

The court has ordered such a hearing for Zyion Houston-Sconiers and Treson Lee Roberts, who used a gun to rob several Tacoma children of their Halloween candy, cellphones and other items in 2012.

The pair will remain in prison for the time being.

Houston-Sconiers was 17 at the time of the robberies and Roberts 16, but their cases automatically were sent to adult court under Washington law after Pierce County

prosecutors charged them with multiple counts of first-degree robbery and other felonies.

They were convicted, and Houston-Sconiers was sentenced to 31 years in prison and Roberts to 26 years, terms based solely on the firearm-sentencing enhancements attached to their convictions. The pair received zero time for the underlying crime.

At sentencing, Superior Court Judge John Hickman said he wished he could have done more to reduce their sentences but believed his hands were tied by state law.

The case generated statewide debate about juvenile justice and whether the sentences meted out to Houston-Sconiers and Roberts were just.

On Thursday, citing evolving juvenile justice law nationwide, the state Supreme Court said judges have the discretion to depart from sentencing guidelines and mandates if the offenders are juveniles when they committed their crimes.

“We hold that in sentencing juveniles in the adult criminal justice system, a trial court must be vested with full discretion to depart from the sentencing guidelines and any otherwise mandatory sentencing enhancements and to take the particular circumstances surrounding a defendant’s youth into account,” McCloud wrote.

The decision closely follows a recent series of U.S. Supreme Court rulings that have mandated that compulsory sentences for juveniles are unconstitutional, including life without parole for murder convictions, said Mike Kawamura, director of Pierce County’s Department of Assigned Counsel.

The opinions have been based, in part, on evolving scientific research that shows the brains of children, even older teenagers, have not fully developed. Judges need to take that into account when awarding sentences for people who were children when they committed crimes, the U.S. Supreme Court has ruled.

“There is becoming less and less disagreement over these things,” Kawamura said.

Jessica Feerman is associate director of the Juvenile Law Center in Philadelphia, which advocates for juvenile-justice reform. She reviewed the state Supreme Court ruling at the request of The News Tribune.

“We were extremely pleased that the court recognized this sentencing structure was too punitive for kids,” Feerman said. “The ruling makes clear that a court cannot treat a child like a miniature adult.”

She added that statutes such as Washington’s that mandate juveniles automatically be transferred to adult court for some criminal charges might be the next legal challenge.

Thursday's opinion from the state Supreme Court upheld the convictions of Houston-Sconiers, now 21, and Roberts, now 20, but sent the case back to Hickman for a new sentencing hearing. The hearing has yet to be scheduled.

The defendants are expected to remain incarcerated until that hearing.

Six other justices signed McCloud's opinion, with the other two signing a concurrence that agreed with the result but with different reasoning.

Pierce County Prosecutor Mark Lindquist said Thursday his office was gratified that the defendants' convictions were upheld.

As to the crux of the ruling?

"In the hands of a good judge, this is good for justice," Lindquist said.

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