

FILED
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STATE OF WASHINGTON
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No. 94556-0

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

BRIAN M. BASSETT,

Respondent.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF
JUVENILE LAW CENTER, AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON, CAMPAIGN FOR FAIR
SENTENCING OF YOUTH, COUNCIL OF JUVENILE
CORRECTIONAL ADMINISTRATORS, AND MOTHERS
AGAINST MURDERERS ASSOCIATION
IN SUPPORT OF RESPONDENT, BRIAN BASSETT

Nancy Talner, WSBA# 11196
Vanessa Hernandez, WSBA# 42770
ACLU OF WASHINGTON
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: 206-624-2184
Fax: 206-624-2190
talner@aclu-wa.org

Marsha I. Levick
PA Bar # 22535
JUVENILE LAW CENTER
1315 Walnut Street, 4th Floor
Philadelphia, PA 19107
Tel: (215) 625-0551
Fax: (215) 625-2808
mlevick@jlc.org

Counsel for *Amici Curiae*

I. RELIEF REQUESTED

Pursuant to Rule of Appellate Procedure 10.6, Juvenile Law Center, American Civil Liberties Union of Washington, Campaign for Fair Sentencing of Youth, Council of Juvenile Correctional Administrators, and Mothers Against Murderers Association hereby move for leave to file the attached *Amici Curiae* Brief in support of Brian Bassett. *Amici* respectfully submit this brief on the grounds that it would assist the Court in its considering the important issues arising in this case concerning juvenile sentencing post *Miller* and the constitutionality of life without parole sentences for children.

II. IDENTITY AND INTEREST OF AMICI

Juvenile Law Center

Juvenile Law Center, founded in 1975, is the oldest public interest law firm for children in the United States. Juvenile Law Center advocates on behalf of youth in the child welfare and criminal and juvenile justice systems to promote fairness, prevent harm, and ensure access to appropriate services.

Juvenile Law Center pays particular attention to the needs of children who come in contact with the juvenile or adult justice systems. Juvenile Law Center works to ensure that the

constitutional rights of these children are upheld and that the justice system appropriately considers the distinctive characteristics of youth at every stage from arrest and diversion to sentencing and re-entry. Since its founding, Juvenile Law Center has represented hundreds of young people and filed influential *amicus* briefs in state and federal cases across the country.

Juvenile Law Center's work is guided by the view that children are different from adults and that these differences are vital and constitutionally relevant in analyzing issues like life and virtual life sentences for children.

American Civil Liberties Union of Washington ("ACLU")

The ACLU is a statewide, nonpartisan, nonprofit organization with over 75,000 members and supporters dedicated to the preservation of civil liberties. The ACLU strongly supports consideration of youth and other mitigating individual circumstances in sentencing. The ACLU has participated as *amicus curiae* in numerous cases in Washington involving juvenile justice.

Campaign for Fair Sentencing of Youth ("CFSY")

The Campaign for the Fair Sentencing of Youth ("CFSY") is a national coalition and clearinghouse that coordinates, develops and supports efforts to implement just alternatives to the extreme

sentencing of America's youth with a focus on abolishing life without parole sentences for all youth. Our vision is to help create a society that respects the dignity and human rights of all children through a justice system that operates with consideration of the child's age, provides youth with opportunities to return to community, and bars the imposition of life without parole for people under age eighteen. We are advocates, lawyers, religious groups, mental health experts, victims, law enforcement, doctors, teachers, families, and people directly impacted by this sentence, who believe that young people deserve the opportunity to give evidence of their remorse and rehabilitation. Founded in February 2009, the CFSY uses a multi-pronged approach, which includes coalition-building, public education, strategic advocacy and collaboration with impact litigators—on both state and national levels—to accomplish our goal.

Council of Juvenile Correctional Administrators (“CJCA”)

The Council of Juvenile Correctional Administrators (“CJCA”) is a national non-profit organization, formed in 1994 to improve local juvenile correctional services, programs and practices so the youths within the systems succeed when they return to the community and to provide national leadership and

leadership development for the individuals responsible for the systems. CJCA represents the youth correctional CEOs in 50 states, Puerto Rico and major metropolitan counties. CJCA believes that all children in the correctional system must have the opportunity to demonstrate growth and capacity to return to the community; CJCA therefore supports alternatives to life-without-parole sentences for children and Mr. Bassett's constitutional challenge of this sentence before this Court.

Mothers Against Murderers Association ("MAMA")

Mothers Against Murderers Association ("MAMA") is a non-profit organization that assists parents and guardians of murder victims. Angela Williams, MAMA's founder, has lost seventeen family members to murder. Her desire to cope with those murders—and to help other like her heal and survive these tragic events—inspired Angela to found MAMA in 2003. Many of the organization's members have had their lives forever altered by juvenile killers. MAMA believes that children—even those who commit the worst crimes—can and must be saved. For MAMA, healing for victims' families and redemption of juvenile offenders are essential and synergistic: victims cannot heal unless child offenders are given a true chance at rehabilitation. MAMA's

members stand against juvenile life sentences without parole. They believe that juvenile offenders can be redeemed and can transform their lives. MAMA members find juvenile life without parole sentences unacceptable, because such sentences reject the possibility of restorative justice and deny juveniles a chance at redemption.

Amici are unanimous in their conviction that children are different from adults in constitutionally relevant ways, including decision-making, susceptibility to pressure, and ability to foresee risks and consequences and that these differences must be considered in sentencing.

III. FAMILIARITY WITH ISSUES

Amici have obtained copies of, and are familiar with, the briefing submitted by the parties to this Court, the opinion of the Court of Appeals, and the proceedings below. Amici are familiar with the scope of the argument presented by the parties and will not repeat arguments raised by any of the parties. Amici have extensive legal and practical experience in issues regarding the sentencing of youth in adult court, including the imposition of life without parole and de facto life without parole sentences on juveniles.

IV. SPECIFIC ISSUES TO BE ADDRESSED

Amici will argue that life without parole sentences are unconstitutional as applied to juvenile offenders.

V. NEED FOR ADDITIONAL ARGUMENT

Amici's specific expertise and experience with the juvenile and criminal justice systems, the constitutional rights of children, and the developmental characteristics of young adolescents will assist the Court in analyzing this case. Several of the *Amici* have previously assisted this Court by filing *amicus* briefs in *State v. Houston-Sconiers*, 188 Wn.2d 1, 27, 391 P.3d 409 (2017) and *State v. Ramos*, 187 Wn.2d 420, 454, 387 P.3d 650 (2017). *Amici* here are in the unique position of being able to aid the Court with information pertaining to the unique characteristics of young adolescents and the relevance of these characteristics to juvenile sentencing.

VI. CONCLUSION

Amici request that the Court grant this motion and permit them to file the attached *Amicus Curiae* Brief in support of Respondent, Bassett.

Respectfully Submitted,

/s/ Marsha L. Levick
Marsha L. Levick, Esq.
PA Bar# 22535
1315 Walnut Street, 4th Fl.
Philadelphia, PA 19107
Tel: (215) 625-0551
Fax: (215) 625-2808
mlevick@jlc.org

/s/ Nancy Talner
Nancy Talner, WSBA# 11196
Vanessa Hernandez, WSBA# 42770
ACLU OF WASHINGTON
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: 206-624-2184
Fax: 206-624-2190
talner@aclu-wa.org

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Seattle, WA, 98164
Phone: (206) 624-2184

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