

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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No. 95542-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

B.O.J.,

Appellant.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF
JUVENILE LAW CENTER, AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON, LEGAL VOICE, AND
COLUMBIA LEGAL SERVICES

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I. RELIEF REQUESTED

Pursuant to Rule of Appellate Procedure 10.6, Juvenile Law Center, American Civil Liberties Union of Washington, Legal Voice, and Columbia Legal Services hereby move for leave to file the attached *Amici Curiae* Brief. *Amici* respectfully submit this brief on the grounds that it would assist the Court in considering the important issues arising in this case concerning juvenile court dispositions.

II. IDENTITY AND INTEREST OF AMICI

Juvenile Law Center

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems through litigation, appellate advocacy and submission of amicus briefs, policy reform, public education, training, consulting, and strategic communications. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center strives to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values. 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.

American Civil Liberties Union of Washington (ACLU)

The ACLU is a statewide, nonpartisan, nonprofit organization with over 80,000 members and supporters dedicated to the preservation of civil liberties. The ACLU strongly supports minimizing incarceration for youth. The ACLU has participated as *amicus curiae* in numerous cases in Washington involving juvenile justice.

Legal Voice

Legal Voice is a non-profit public interest organization that works to advance the legal rights of all women and girls in the Pacific Northwest through impact litigation, legislation, and legal rights education. Since its founding in 1978 (as the Northwest Women's Law Center), Legal Voice has long advocated for the dismantling of gender stereotypes in the civil and criminal justice systems, stereotypes and misconceptions that often lead to harsher case dispositions for girls than for similarly situated males. Toward that end, Legal Voice has supported administrative and legislative advocacy and has participated as counsel and as *amicus curiae* in cases throughout the Northwest and the country, advocating for

robust interpretation and enforcement of laws promoting the equal treatment of women and girls. Legal Voice serves as a regional expert on these issues.

Columbia Legal Services (CLS)

Columbia Legal Services is a non-profit civil legal aid firm that represents low income Washingtonians on a variety of systemic legal issues. Its Institutions Project (IP) represents incarcerated and formerly incarcerated persons, including juveniles. IP has a longstanding juvenile justice priority that includes advocacy on juvenile sentencing reform. CLS has sought and received leave to file *amicus* briefs on related juvenile sentencing issues in the past.

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 transcripts of the proceedings below. *Amici* are familiar with the scope of the argument presented by the parties and will not unduly repeat arguments raised by any of the parties. *Amici* have extensive legal and practical experience in issues regarding the sentencing of youth.

IV. SPECIFIC ISSUES TO BE ADDRESSED

Amici explain that the juvenile court violated numerous

statutory provisions as well as the intent and purpose behind the statutes in rendering its disposition. The juvenile court's reasoning improperly focused on factors which do not lawfully support increased incarceration and improperly relied on the prohibited factors of B.O.J.'s dependency status and gender to justify its upward departure. Moreover, *Amici* will present the robust research that demonstrates why imposing lengthy incarceration on B.O.J. creates a clear danger to the community—rather than preventing it.

V. NEED FOR ADDITIONAL ARGUMENT

Amici's specific expertise and experience with the juvenile and criminal justice systems, the dependency system, the constitutional rights of children, and the developmental characteristics of young adolescents will assist the Court in analyzing this case. *Amici* are in the unique position of being able to aid the Court with information pertaining to the unique characteristics of 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 *Amici Curiae* Brief in support of Appellant B.O.J.'s arguments for reversal of her manifest injustice disposition.

Respectfully Submitted,

/s/ Marsha L. Levick

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