

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE OF OREGON,)	Supreme Court
)	No. S063111
Respondent,)	
Respondent on Review,)	Washington County
)	Circuit Court No. J090600
vs.)	
)	Appellate Court No. A147958
J.C.N.-V.,)	
)	
Appellant,)	
Petitioner on Review.)	

**MEMORANDUM OF *AMICUS CURIAE*
OREGON JUSTICE RESOURCE CENTER IN SUPPORT OF J.C.N.-V.'S
PETITION FOR REVIEW**

Review of the Decision of the Oregon Court of Appeals on Appeal from the
Circuit Court of Washington County, Honorable James L. Fun, Judge.

Opinion Filed: January 22, 2015.

Affirmed.

Author of Opinion: Sercombe, J., joined by Haselton, Chief Judge, and Judges
Armstrong, Duncan, Nakamoto, DeVore, Tookey, Garrett, and Flynn

Dissenting Judges: Egan, J., joined by Ortega, J.

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Amicus Curiae OJRC Intends to File a Brief on the Merits If Review is Allowed.

April 2015

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INTRODUCTION

The Oregon Justice Resource Center (OJRC) is a non-profit organization founded in 2011. OJRC works to “dismantle systemic discrimination in the administration of justice by promoting civil rights and enhancing the quality of legal representation to traditionally underserved communities.” OJRC Mission Statement, www.ojrc.info/mission-statement. The OJRC Amicus Committee is comprised of Oregon attorneys from multiple disciplines and law students from Lewis & Clark Law School, where OJRC is located.

The OJRC supports the Petition for Review of the decision of the Court of Appeals in *State v. J.C.N.-V.*, 268 Or App 505, 342 P3d 1046 (2015) (en banc), and will request permission to appear as *amicus curiae* and file a brief on the merits if the court allows review. The Court of Appeals’ decision in this case erroneously interpreted ORS 419C.349(3) to require only a minimal threshold showing before juvenile courts may waive their original jurisdiction over children as young as 12 years old and allow the child to be prosecuted and sentenced as an adult. That interpretation originated from an unfounded comparison between the standard for adult criminal liability and the purposes of the juvenile court system. Because the juvenile court system is based on the understanding that children’s decision-making functions are not fully developed and children who commit criminal acts must be protected and rehabilitated, it is inappropriate to permit waiver of 12

through 14 year olds into adult court unless the child's advanced development warrants a conclusion that adult punishment will serve a legitimate purpose.

The Court of Appeals' interpretation of ORS 419C.349(3) leads to the opposite result, allowing waiver in most cases unless the child suffers from developmental impairment. By permitting punishment without any legitimate purpose, the Court of Appeals' interpretation runs afoul of the legislature's intent, state and federal constitutional protections, and it ill-serves community interests. The OJRC urges the Supreme Court to allow review to establish that adult prosecution and sentencing of 12 to 14 year old children is permitted only in exceptional cases where the child's above-average maturity and sophistication warrant punishing the child as an adult.

PROCEDURAL AND HISTORICAL FACTS

ORS 419C.349(3), in conjunction with ORS 419C.352, prevents children ages 12 through 14 from being prosecuted as adults unless the juvenile court finds the child to be "of sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved." In this case, the juvenile court determined that youth was eligible for discretionary waiver of its original jurisdiction, resulting in adult prosecution, based on evidence that he possessed the sophistication and maturity of an average 13-year-old. *State v. J.C.N.-V.*, 268 Or App 505, 511, 342 P3d 1046 (2015) (en banc). Youth was tried, convicted, and sentenced as an adult

for the offense of aggravated murder committed when he was 13 years and eight months old. *Id.* at 507.

At the waiver hearing, the state's expert explained that youth had strong cognitive abilities, but was "less able than his peers at understanding his emotions[.]" *Id.* at 511. Expert testimony also established that young adolescents have not yet developed high-level thinking abilities, including "the ability to appreciate long-term consequences." *Id.* at 512. A doctor who had evaluated youth testified that he could "appreciate the idea of [assaultive] behavior" and understand that it is wrong, but that he could not "appreciate it at a level of having empathy because * * * that's a much more challenging task for a 13 year old with an immature brain[.]" *Id.* at 512-13. The juvenile court concluded that youth was eligible for waiver to adult court because he "demonstrated awareness regarding the nature of the criminal act" and "the consequences of the criminal act if apprehended by authorities." *Id.* at 513-14.

Youth appealed the judgment waiving him into circuit court, contesting the juvenile court's interpretation of ORSC 419.349(3). Youth argued that the "sophistication and maturity" standard requires "a showing of more sophistication and maturity than is possessed by the twelve to fourteen year-old, with normally developed intellectual and emotional capacities." *J.C.N.-V.*, 268 Or App at 507. The Court of Appeals, en banc, disagreed, concluding that a youth is eligible for

waiver so long as he can appreciate “the physical nature and consequences of one’s conduct, along with the wrongful or criminal quality of that conduct.” *Id.* at 521.

To reach that conclusion, the Court of Appeals first consulted the dictionary definitions of the pertinent text. As to “sophistication and maturity” the court agreed with youth that “viewed in isolation” those terms “describe qualities that are associated with a normal, well-adjusted adult.” *Id.* at 516. But the court concluded that the legislature did not intend those words to incorporate an adult-like standard, because the statute only required “sufficient” sophistication and maturity for a particular purpose. *Id.* at 516.

Turning to the definition of “appreciate,” the court again agreed with youth that “appreciate” does not simply require intellectual knowledge. *Id.* at 517. The court determined that both the dictionary definition of the term and its longstanding usage establish that it requires the ability “to judge or evaluate the worth, merit, quality, or significance of,” or to “comprehend with knowledge, judgment, and discrimination.” *Id.* at 516. Therefore, the court agreed that “appreciate” encompasses an “emotional as well as intellectual cognition of the act.” *Id.* at 517 (quoting *State v. Dyer*, 16 Or App 247, 258, 518 P2d 184 (1974)).

Finally, the court agreed with youth that the phrase “nature and quality” broadly references the “essential character” of something. *Id.* at 518. But the court relied on the law surrounding adult criminal capacity to conclude that, in this

context, the “essential character” refers only to the physical nature and criminal character of the conduct. The court’s reasoning first looked to the use of the phrase “nature and quality” in Oregon’s former common-law test for determining criminal capacity. *Id.* at 518. The court then noted that the test was codified as requiring the ability “to appreciate the criminality of the conduct.” *Id.* at 518-19. Courts had concluded that the ability to appreciate the “criminality” was a different way of phrasing the former “nature and quality” test, which encompassed both an understanding of the physical nature of the act and a differentiation between right and wrong. *Id.* at 518-19. Interpreting “nature and quality” in ORS 419C.349(3), the Court of Appeals reversed that reasoning and concluded that “nature and quality” in the juvenile code references the “criminality” test. *Id.* at 519-21.

The court rejected the dissent’s position that the sophistication and maturity test articulated in ORS 419C.349(3) should not be tied to the adult test for criminal capacity, and that it should require a more holistic analysis, considering the youth’s ability to make responsible decisions, think independently, and have empathy. *Id.* at 523-25. The court claimed that such a broad reading of “appreciate” and “nature and quality” would be “untethered from the dictionary definitions” of the terms. *Id.* at 523. At the same time, though, the court apparently conceded that the terms used in ORS 419C.349(3) could support a broader interpretation, which the court chose to reject:

“Given the qualitative nature of all the terms used in ORS 419C.349(3) and the Rorschach-like nature of definitions like ‘essential character,’ we think the better approach—and the one dictated by the longstanding use of the terms in ORS 419C.349(3) with respect to criminal capacity—is to rely on the terms’ more limited meaning in the context of descriptions of criminal capacity.”

Id. at 523.

The court purported to find support for its narrow interpretation of ORS 419C.349(3) in the legislative history, because representatives explained that the statute would definitively exclude from consideration children who were “mentally retarded” or “extremely emotionally disturbed.” *Id.* at 530 (quoting Tape Recording, House Committee on Judiciary, HB 2955, June 6, 1983, Tape 408, Side A (statement of Sen Nancy Ryles)). But the court assigned no significance to statements in the legislative history indicating that the test was intended to replace the more simplistic age-based test, which was arbitrary and did not adequately test a child’s understanding of the “serious nature” of his or her conduct. *Id.* at 529 (quoting Testimony, House Committee on Judiciary, Subcommittee 1, HB 2955, May 18, 1983, Ex A (statement of Sen Nancy Ryles)). The court also did not address comments in the legislative history indicating that the test was intended to require a “very careful[]” examination of the child’s development, not just to prove that they knew what they were doing, and its consequences, but that “they were of sufficient maturity to understand that at the time.” *Id.* at 531-32 (quoting Tape

Recording, House Committee on Judiciary, Subcommittee 1, SB 414, May 30, 1985, Tape 62 (statement of Sen Nancy Ryes)).

Two judges dissented from the majority’s opinion. 268 Or App at 541-555 (Egan, J., dissenting, joined by Ortega, J.). The dissent argued that the majority’s reliance on the adult criminal capacity standard was misplaced, because “the adult insanity defense addresses *impaired* adult minds, while the waiver statute deals with *undeveloped* juvenile minds.” *Id.* at 543. Noting that the waiver statute focuses on development—sophistication and maturity—rather than mental defects, the dissent explained, “A youth’s ability to know that something is wrong or criminal bears little relationship to the adult-like qualities denoted by the words ‘sophistication and maturity.’” *Id.* at 543. The dissent explained that numerous aspects of juvenile development—not just the development of the ability to tell right from wrong—warrant treating children differently from adults: “As compared to adults, * * * juveniles have a lack of maturity and an underdeveloped sense of responsibility; they are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure, and their characters are not as well formed.” *Id.* at 547 (quoting *Roper v. Simmons*, 543 US 551, 569-70, 125 S Ct 1183, 161 L Ed 2d 1 (2005)) (internal quotation marks omitted). Juveniles are “not as equipped as adults to engage in moral reasoning and adjust their conduct accordingly.” *Id.* at 548.

The dissent viewed the majority’s test as reducing to “a mere intellectual understanding of the legal consequences of the conduct[.]” *Id.* at 551. By contrast, the dissent contended that the waiver statute embodies the “psychological and spiritual truth” that “[t]here must be a distinction between adults and children,” and concluded that the statute requires a more far-ranging examination of a youth’s “empathetic capacity” and “judgment-making ability” before the youth can be eligible for prosecution as an adult. *Id.* at 548-49, 552-53.

Youth filed a petition for review, asking this court to hold that the sophistication and maturity test is not met simply by showing that a young child is of average development. Petition for Review at 2-3. Youth asks the court to hold that the waiver statute prohibits children 12 to 14 years old from being prosecuted as adults in all but the exceptional case involving a child with “significantly above-average cognitive and emotional sophistication and maturity, and with a more adult-like than child-like ability to appreciate the nature and quality of their conduct, including its consequences for the victim.” Petition for Review at 3.

QUESTIONS PRESENTED AND PROPOSED RULES OF LAW

The OJRC concurs with petitioner’s statement of the question presented and proposed rule of law.

REASONS FOR ALLOWING REVIEW

This Court should allow the Petition for Review for the following reasons and as explained in the Argument below:

- The case presents a significant issue of state law: the important decision whether to prosecute and sentence young adolescents as adults, which involves the interpretation of a statute and implicates fundamental constitutional rights. ORAP 9.07(1), (4).
- Resolution of the issue could have wide-ranging consequences for our community, as the children exposed to adult prosecution suffer long-term detrimental effects. ORAP 9.07(3).
- The issue is one of first impression for this court, it is preserved, it is clearly presented by the facts of this case, and it is fully argued in the briefs. ORAP 9.07(5), (7), (8), (15).
- The Court of Appeals published a written, en banc opinion, with two judges dissenting. ORAP 9.07(11), (12), (13).
- OJRC and other groups will appear as *amicus curiae* and be available to advise the court. ORAP 9.07(16).
- Finally, the Court of Appeals' decision appears to be wrong, and, as set forth more fully below, it will result in serious, irreversible injustice for those children who are subject to adult prosecution without demonstrating advanced development and adult-like criminal culpability, as required by the traditional theories of punishment and by constitutional limitations on punishment. ORAP 9.07(14).

ARGUMENT

The OJRC agrees with petitioner that the legislature intended to permit 12 to 14 year olds to be prosecuted and sentenced as adults only in extraordinary cases—those in which the youth's “sophistication” and “maturity” demonstrate a more

adult-like than child-like ability to appreciate the nature and quality of their conduct, including its consequences for the victim. The Court of Appeals' interpretation of the waiver law to require a minimal threshold of average juvenile development is inconsistent with the legislature's focus on rehabilitating, rather than punishing, young people. Additionally, the Court of Appeals' interpretation risks violating the constitutional rights of petitioner, and others similarly situated.

I. Traditional theories of punishment do not justify prosecuting young adolescents of average sophistication and maturity as adults.

From the outset, Oregon's juvenile justice system has focused on the rehabilitation of juvenile offenders. *State ex rel Juvenile Dept of Klamath County v. Reynolds*, 317 Or 560, 567, 857 P2d 842 (1997). That was the legislature's intent; "[f]rom 1907 to the present, juvenile justice in Oregon has been primarily based on a 'rehabilitation' model, rather than on a 'due process' or 'crime control' model." *Id.* Science supports that legislative choice. "Juveniles are more capable of change than are adults, and their actions are less likely to be evidence of 'irretrievably depraved character' than are the actions of adults." *Graham v. Florida*, 560 US 48, 68, 130 S Ct 2011, 176 L Ed 2d 825 (2010).

The adult criminal justice system is not set up to, and has proven unable to, effectively rehabilitate adolescents. In general, studies have shown higher recidivism rates for children prosecuted as adults compared to similarly situated children in the juvenile justice system. Donna Bishop & Charles Frazier,

Consequences of Transfer, *The Changing Borders of Juvenile Justice* 227 (Jeffery Fagan & Franklin Zimring eds., 2000). A task force created by the Centers for Disease Control and Prevention (CDC) found that young people transferred from the juvenile court system into adult court are approximately 34 percent more likely to be rearrested for violent or other crimes than those who remain in the juvenile system. CDC, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, *Morbidity and Mortality Weekly Report* (Nov 30, 2007). The task force concluded that prosecuting children as adults is “counterproductive to reducing juvenile violence and enhancing public safety.” *Id.* See also Donna Bishop et al., *The Transfer of Juveniles to Criminal Court: Does it Make a Difference?*, 42 *Crime & Delinquency* 171, 183 (1996) (finding that “transfer actually aggravated short-term recidivism.”). Ultimately (and unsurprisingly), research establishes that the juvenile justice system, which was created to rehabilitate youth, is better than the adult justice system at actually rehabilitating youth.

Other theories of punishment do not support waiving a juvenile such as petitioner, an average 13 year old, into adult court. For example, waiving juveniles to adult court does not deter other young people from committing crimes.

Deterrence as a justification for punishment requires a rational actor; the offender must be able to make a rational choice to act or not act based on a consequence that

he or she is actually aware of. Paul H. Robinson & John M. Darley, *Does Criminal Law Deter? A Behavioral Science Investigation*, 24 Oxford Legal Studies 173, 174 (2004). But “[a]s compared to adults, juveniles have a ‘lack of maturity and an underdeveloped sense of responsibility’; they ‘are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure’; and their characters are ‘not as well formed.’” *Graham*, 560 US at 68 (citing *Roper*, 543 US at 569-70). The higher recidivism rates for youths incarcerated at adult prisons are telling in that regard: despite first-hand knowledge that they could be tried as adults if they commit a particular act, they nonetheless commit the act. Bishop & Frazer at 227. Accordingly, only those youths with above-average sophistication and maturity, who have developed sufficiently to make rational choices based on long-term consequences rather than impulsive decisions based on immediate pressures, might actually be deterred by the prospect of waiver. It follows that only those youths should be prosecuted as adults.

For similar reasons, incapacitation as a theory of punishment does not justify the waiver of ordinary 13-year-olds into adult court. Incapacitation is related to recidivism: “Recidivism is a serious risk to public safety, and so incapacitation is an important goal.” *Graham*, 560 US at 72. But waiving juveniles into the adult criminal justice system does not make juveniles less dangerous; it increases their chances of violent recidivism.

Adding to their dangerousness, youth in the adult criminal justice system are less likely to receive treatment and services. As the Court noted in *Graham*,

“Defendants [in the adult justice system] are often denied access to vocational training and other rehabilitative services that are available for other inmates. For juvenile offenders, who are most in need of and receptive to rehabilitation, the absence of rehabilitative opportunities or treatment makes the disproportionality of the sentence all the more evident.”

560 US at 48 (citations omitted). Moreover, juveniles incarcerated with adults “learn social rules and norms that legitimate[] domination, exploitation, and retaliation” from adult inmates. *Bishop & Frazer* at 263.

Finally, retribution is not a legitimate reason to punish children. *Graham*, 560 US at 72. “Society is entitled to impose severe sanctions * * * to express its condemnation of the crime and to seek restoration of the moral imbalance caused by the offense.” *Id.* But “[t]he heart of the retribution rationale is that a criminal sentence must be directly related to the personal culpability of the criminal offender.” *Tison v. Arizona*, 481 US 137, 149, 107 S Ct 1676, 95 L Ed 2d 127 (1987). Children are necessarily less culpable than adults because they lack the same development that permits rational decision-making, moral reasoning, and impulse control. Accordingly, retribution is not a valid rationale for punishing children unless the child demonstrates the same level of culpability as an adult. *See Roper*, 543 US at 571 (“Whether viewed as an attempt to express the

community's moral outrage or as an attempt to right the balance for the wrong to the victim, the case for retribution is not as strong with a minor as with an adult.”).

To qualify as just retribution, transfer laws must also be capable of being applied in a fundamentally fair manner. Research establishes the opposite; youth of color are disproportionately transferred to adult court. Melissa Sickmund & Charles Puzzanchera, *Juvenile Offenders and Victims: 2014 National Report*, National Center for Juvenile Justice, 174 (2014) (“For most of the period from 1985 to 2010, the likelihood of waiver was greater for black youth than for white youth, regardless of offense category.”).

Specifically, African-American youth are nearly four times as likely as white youth to be arrested for person offenses. Neelum Arya & Ian Augarten, *Critical Condition: African-American Youth in the Justice System*, 24 (2008) (available at <http://www.campaignforyouthjustice.org/documents/AfricanAmericanBrief.pdf>). For property and drug offenses, African American youth are twice as likely as white youth to be arrested. *Id.* Once arrested, African American youth are more likely to be transferred to adult court than white youth, and they are 40 percent more likely to be tried as an adult for a drug crime than white youth. *Id.* Latino youth are 43 percent more likely than white youth to be waived to adult court and 40 percent more likely to be admitted to adult prison. Neelum Arya, et al.,

America's Invisible Children: Latino Youth and the Failure of Justice (2009)

(available at <http://www.campaignforyouthjustice.org/documents/>

Latino_Brief.pdf). Native-American youth are 1.5 times more likely to be waived into the adult criminal system than white youth. Neelum Arya, & Addie Rolnick, *A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems* (2008) (available at http://www.campaignforyouthjustice.org/documents/CFYJPB_TangledJustice.pdf). Racial disparities fatally undermine any retributive justification for transfer laws, particularly when applied to ordinary youth who lack adult-like culpability.

II. Waiver of a juvenile to adult court is a punishment that must serve a legitimate penological purpose to meet constitutional requirements.

When interpreting a statute, this court should “give [it] such an interpretation as will avoid constitutional invalidity.” *State v. Stoneman*, 323 Or 536, 540 n 5, 920 P2d 535 (1996). Because the waiver decision transfers a youth from the non-punitive juvenile court to the punitive criminal court, it is a decision affecting punishment that falls within the ambit of constitutional protections against cruel and unusual punishment. US Const amend VIII;¹ Or Const Art I, §16,² *see also*

¹ The Eighth Amendment provides, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

² Article I, section 16, provides, in part, “Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.”

Neelum Arya, *Using Graham v. Florida to Challenge Juvenile Transfer Laws*, 71 Louisiana L Rev 99, 138-140 (2010) (waiver into adult court is punishment because of “the lifelong stigma of an adult court conviction, which may be accompanied by lifelong restrictions in voting or access to other governmental privileges * * * even short term sentences to adult prison will forever alter the trajectory of a young person’s life because of the way in which the child’s adolescent development is compromised.”). Any punishment practice must be proportioned to the culpability of the offender as well as the severity of the offense. *Graham v. Florida*, 560 US 48, 68 (2010). Moreover, any punishment practice must “serve legitimate penological goals.” *Id.* at 67.

Both the state and federal constitutions prohibit cruel and unusual punishment. Under the Oregon Constitution, a punishment violates Article I, section 16, when it “shocks the moral sense of all reasonable men as to what is right and proper under the circumstances.” *Sustar v. County Court of Marion County*, 101 Or 657, 662, 201 P 445 (1921). Similarly, the Eighth Amendment draws its meaning from “the evolving standards of decency that mark the progress of a maturing society.” *Trop v. Dulles*, 356 US 86, 101, 78 S Ct 590, 2 L Ed 2d 630 (1958). In determining whether a punishment practice is unconstitutional under the Eighth Amendment, the court first examines whether there is community consensus regarding the punishment practice, and second, the court determines

whether, in its own judgment, the punishment practice is unconstitutionally cruel and unusual. *Graham*, 560 US at 836-37. Both Article I, section 16, of the Oregon Constitution and the Eighth Amendment of the United States Constitution require some inquiry into the culpability of the offender. *See State v. Rodriguez-Buck*, 347 Or 46, 66-67, 219 P3d 659 (2009) (inquiring into the criminal history of the offender to determine whether punishment shocks the moral sense and is unconstitutional); *Graham*, 560 US at 68 (discussing culpability of offender in applying the evolving standards of decency test).

In *Graham*, the United States Supreme Court determined that youth offenders are different than adult offenders for several reasons. Relying upon its earlier analysis in *Roper*, 543 US at 569-70, which categorically excluded the death penalty for juvenile offenders, the Court explained that “juveniles have lessened culpability” because of their immaturity and “underdeveloped sense of responsibility,” their vulnerability to peer pressure, and the fact that their “characters are ‘not as well formed.’” *Graham*, 560 US at 68. *Graham* imposed another categorical exclusion and concluded that juveniles could not be sentenced to life without parole for non-homicide offenses. As a necessary corollary to that holding, the Supreme Court concluded that juvenile offenders have a constitutional right to rehabilitation. *Id.* at 75 (state must provide “some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation”). In so doing,

the Court considered the penological justifications for the punishment practice and determined that the practice at issue – life without parole – did not serve those purposes with regard to juvenile offenders.

As explained above, *none* of the traditional theories of punishment (rehabilitation, deterrence, incapacitation, or retribution) justifies an interpretation of the waiver statute that authorizes the criminal justice system to prosecute and sentence a 13-year-old of average development as an adult. Accordingly, waiver into adult court must be limited to those juveniles that possess adult-like levels of sophistication and maturity.

CONCLUSION

For the foregoing reasons, the Oregon Justice Resource Center supports youth's Petition for Review and requests that the court grant review and reverse the decision of the Court of Appeals.

Respectfully submitted,

OREGON JUSTICE RESOURCE CENTER

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**CERTIFICATE OF COMPLIANCE
WITH BRIEF LENGTH AND TYPE SIZE REQUIREMENTS**

Brief Length

I certify that Petition complies with ORAP 9.05(3)(a) and that the word count is 4,167 words.

Type Size

I certify that the size of the type in this brief is not smaller than 14 point for both the text of the brief and footnotes as required by ORAP 5.05(4)(f).

s/Sara F. Werboff
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CERTIFICATE OF FILING AND SERVICE

I certify that on April 17, 2015, I filed the original of the MEMORANDUM OF *AMICUS CURIAE* OREGON JUSTICE RESOURCE CENTER IN SUPPORT OF J.C.N.-V.'S PETITION FOR REVIEW with the State Court Administrator by the eFiling system.

I further certify that on April 17, 2015, I served a copy of the MEMORANDUM OF *AMICUS CURIAE* OREGON JUSTICE RESOURCE CENTER IN SUPPORT OF J.C.N.-V.'S PETITION FOR REVIEW on the following parties by electronic service via the eFiling system:

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