



ACLU OF WASHINGTON AMICUS DOCKET

2022 Open Cases

A huge THANKS to all involved with the amicus briefs listed here. They are cases where ACLU-WA participated as amicus, but we rarely do so alone. We want to acknowledge that each case is very much a team effort with much credit due to so many others (legal organizations and community groups, and many departments at ACLU-WA) who led or joined or who assisted in reaching out to others. We want to specifically acknowledge the organizations led by people directly impacted by the issues before the court, whose perspectives are critical to the court's analysis. The strength and impact of the briefs would not be the same without the teamwork behind them!

AIMS I v. US DEA

Case Description: Supports the right of terminally ill patients to try psilocybin to treat certain medical conditions.

Links to briefs and Court Opinion:

Briefs available on PACER, Ninth Circuit Case No. 21-70544, filed 5/21/21

Opinion: <https://cdn.ca9.uscourts.gov/datastore/opinions/2022/01/31/21-70544.pdf>

Brackeen v. Haaland

Case Description: Amicus brief filed with the United States Supreme Court urging the court to uphold the constitutionality of the Indian Child Welfare Act in *Brackeen v. Haaland*.

Brief: [Brackeen v. Haaland Supreme Court amicus brief | American Civil Liberties Union \(aclu.org\)](#)

Opinion: Pending

Civil Survival v. State of Washington

Case Description: Proposed class action seeking refund of fines and fees paid by people convicted of drug offenses that were invalidated by State v Blake.

Links to briefs and Court Opinion:

Amicus Brief in Support of Reversal (7/7/22): [index.cfm \(wa.gov\)](#)

Opinion: [840151.pdf \(wa.gov\)](#), ruling on review by WA Supreme Court will be 5/3/23

* Case statuses are current as of June 13, 2023.

Dependency of K.W.

Case Description: Racial bias in removing a Black child from his grandmother's home and placing him with white strangers.

Links to briefs and Court Opinion:

Briefs: [Microsoft Word - In Re KW-Final Amici Brief SCOW 08112021 \(wa.gov\)](#)
[993017 Amicus WDA NAACP-Seattle King County et al.pdf \(wa.gov\)](#)

Opinion: [993017.pdf \(wa.gov\)](#)

Earl v. City of Tacoma

Case Description: Amicus brief supporting a reasonable exception to the Public Records Act statute of limitations in a police accountability case where officers shot and killed a pregnant, unarmed Indigenous woman where the requestor had no knowledge of existing records that weren't produced.

Links to briefs and Court Opinion:

Brief: [561603-Amicus Brief1.pdf \(wa.gov\)](#)

COA Div II Opinion: [D2 56160-3-II Unpublished Opinion.pdf \(wa.gov\)](#)

Brief in Support of SC Review: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: WA Supreme Court denied review

Egbert v. Boule

Case Description: A federal Border Patrol agent drives onto a person's property without a warrant or consent to enter, and is sued for allegedly assaulting the property owner.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: [21-147 Egbert v. Boule \(06/08/2022\) \(supremecourt.gov\)](#)

El Papel v. Inslee

Case Description: Amicus brief supporting state level eviction protections.

Links to briefs and Court Opinion:

Briefs available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)
and on PACER, WD WA Case No. 2:20-cv-01323-RAJ and Ninth Circuit No. 22-35656

Henderson v. Thompson

Case Description: Whether new trial should be granted regarding racial bias in civil jury trial.

Links to briefs and Court Opinion:

<https://www.courts.wa.gov/content/Briefs/A08/976724%20Amicus%20ACLU%20WA%20DRW%20and%20NLG.pdf>

Opinion: [976724.pdf \(wa.gov\)](#)

In re Custody of A.N.D.M.

Case Description: Issue regarding whether a Superior Court can refuse to hear motions for Special Immigrant Juvenile Status (SIJS) findings.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: <https://www.courts.wa.gov/opinions/pdf/827791.pdf>

In re Dep of A.M.F.

Case Description: Court's negative inference from parent's invocation of the 5th Amendment in dependency case

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: [1012705.pdf \(wa.gov\)](#)

In re Detentions of A.C. and D.H.

Case description: Amicus briefs filed in WA Supreme Court pertaining to the Involuntary Treatment Act (ITA) detailing the historical context of involuntary commitment nationally, the racial and socioeconomic disparities existent in the ITA system in Washington and examined how the continued expansion of the ITA further strips Washingtonians of their civil liberties.

Briefs: As the cases were filed under seal, the amicus briefs are not publicly available.

In The Matter of the Honorable David S. Keenan

Case Description: Judge's free speech rights regarding ad in support of community college education.

Links to briefs and Court Opinion:

Brief:

<https://www.courts.wa.gov/content/Briefs/A08/2019960%20Amicus%20ACLU%20of%20WA%20Foundation%20et%20al.pdf>

Opinion: [2019960.pdf \(wa.gov\)](#)

In re Z Stevens

Case Description: Denial of Bar admission based on past criminal conviction.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: [2019978.pdf \(wa.gov\)](#)

In re the Welfare of J.M.W.

Case Description: Department of Children Youth and Families must make active efforts to prevent the breakup of Indigenous families at any hearings or proceedings that seek the removal of an Indigenous child from their family and if the child is removed, the court is required to ensure that the department continue to actively support the family to determine whether the separation continues to be necessary.

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: [994811.pdf \(wa.gov\)](#)

Kennedy v. Bremerton School District

Case Description: Praying coach First Amendment case

Links to briefs and Court Opinion:

Brief: [Kennedy v. Bremerton Supreme Court Amicus Brief | American Civil Liberties Union \(aclu.org\)](#)

Opinion: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

M.G. v. Yakima School District No. 7

Case Description: Exclusion of a student of color from school and district's failure to give him a hearing regarding in effect expelling him

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: https://www.courts.wa.gov/opinions/pdf/381650_ord.pdf

Marquez-Reyes v. Garland

Case Description: First Amendment issue in immigration proceedings

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: Pending

Mendoza v. Strickler

Case Description: Amicus brief seeking reconsideration of Ninth Circuit decision that says ability to pay inquiry is only required in those contexts in which additional punishment results in incarceration, not driver's license suspensions, impacting our work to dismantle the discriminatory effects of LFOs.

Links to briefs and Court Opinion:

Briefs available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

and on PACER, Ninth Circuit Case No. 19-35506

Opinion: Ninth Circuit denied reconsideration.

OneAmerica Votes v. State

Case Description: Argues a WA law that bars non-citizens from participating in local election campaign contributions "in any way" goes too far and is unconstitutional.

Brief: [Microsoft Word - 667650_3 \(wa.gov\)](#)

Opinion: [838369.pdf \(wa.gov\)](#)

Potter v. City of Lacey

Case Description: Amicus brief highlighting the unconstitutionality of criminalizing living in one's vehicle, and how such policies and practices only exacerbate homelessness.

Links to briefs and Court Opinion:

Briefs available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

and on PACER, Ninth Circuit Case No. 21-35259 – the Ninth Circuit certified the case to the WA Supreme Court, Case No. 101188-1

Personal Restraint Petitions of Lewis and Ayerst

Case Description: Personal restraint petitions seeking vacation of convictions obtained with a defense lawyer who was not licensed in the State of Washington.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](https://www.courts.wa.gov/opinions/pdf/999392.pdf)
<https://www.courts.wa.gov/opinions/pdf/999392.pdf>

Opinion: [999392.pdf \(wa.gov\)](https://www.courts.wa.gov/opinions/pdf/999392.pdf)

Personal Restraint Petition of Raymond Williams

Case Description: Argues it is unconstitutional to use conviction committed when under age 18 as a “strike” supporting a life without possibility of parole prison sentence.

Links to briefs and Court Opinion:

Briefs: <https://www.courts.wa.gov/content/Briefs/A02/538792%20Amicus%20Brief.pdf> and available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](https://www.courts.wa.gov/content/Briefs/A02/538792%20Amicus%20Brief.pdf)

Opinion: WA Supreme Court denied review.

Personal Restraint Petition of Rhone

Case Description: Amicus brief addressing the discriminatory use of peremptory challenges to strike the only or last remaining member of a cognizable racial group in jury trials resulting in the race-based discrimination that remains pervasive in the criminal legal system.

Links to briefs and Court Opinion:

Brief: [index.cfm \(wa.gov\)](https://www.courts.wa.gov/content/Briefs/A02/1012047%20Amicus%20Brief.pdf)

Opinion: [1012047.pdf \(wa.gov\)](https://www.courts.wa.gov/content/Briefs/A02/1012047%20Amicus%20Brief.pdf)

Rental Housing Association v. City of Seattle

Case Description: Amicus brief supporting a number of recently passed eviction protection measures and asking the Court to affirm their constitutionality.

Links to briefs and Court Opinion:

Brief and rulings available in King County Superior Court file, Case No. 20-2-13969-6 SEA
COA Div I Opinion: <https://www.courts.wa.gov/opinions/pdf/824694.pdf>

State v. Anderson

Case Description: Amicus brief filed describing the racial disparities in life sentences imposed on Black youth and other children of color in Washington. The brief also explained how these sentences deprive BIPOC youth of the ability to make contributions to their community in the future, describing numerous individuals’ contributions after release from prison.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](https://www.courts.wa.gov/opinions/pdf/978905.pdf)

Opinion: [978905.pdf \(wa.gov\)](https://www.courts.wa.gov/opinions/pdf/978905.pdf)

State v. Garza

Case Description: Allowing vacating and sealing of juvenile court records to reduce later negative consequences.

* Case statuses are current as of June 13, 2023.

Links to briefs and Court Opinion:

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: [1000120.pdf \(wa.gov\)](#)

State v. Hale

Case description: Amicus brief filed that challenges constitutionality of juvenile sex offender registry.

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: [D2 55248-5-II Unpublished Opinion.pdf \(wa.gov\)](#)

State v. Hawkins

Case Description: Challenges court's refusal to vacate conviction record despite the requirements for it having been satisfied; discusses racial bias.

Links to briefs and Court Opinion:

Brief: [100060-0 WA Defender Assoc., et al - Amicus Brief.pdf](#)

Opinion: [1000600.pdf \(wa.gov\)](#)

State v. Jarvis

Case Description: Amicus brief that discusses in detail the racialized history of the use of shackling and the implicit bias it creates in the criminal legal system for judges, juries and others in the courtroom to the detriment and infringement of the rights of defendants, particularly and disproportionately Black, brown and people of color.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: [D2 56086-1-II Published Opinion.pdf \(wa.gov\)](#)

State v. J.W.M.

Case Description: Amicus brief that discusses the harm in the criminal legal system caused by the "adultification bias" of Black youth versus white youth as well as harm done by prolonged incarceration in juvenile prison.

Links to briefs and Court Opinion:

Brief: [index.cfm \(wa.gov\)](#)

Opinion: [1008945.pdf \(wa.gov\)](#)

State v. Kasparova

Case Description: Proportional punishment in death penalty cases where cognitive and mental health disabilities are relevant factors.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: WA Supreme Court denied review.

State v. M.Y.G. and I.A.S.

Case Description: Amicus brief arguing against the intrusive practice of collecting DNA from youth prior to being officially sentenced.

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: [WA Reports Public Access Cui | PAW Document Page \(lexis.com\)](#)

State v. Meredith

Case Description: Amicus brief highlighting the impacts of punitive fare enforcement policies on low-income communities of color.

Brief: [1001355 Amicus - ACLU of WA.pdf](#)

Opinion: [1001355.pdf \(wa.gov\)](#)

State v. Reynolds

Case Description: Challenge to the use of juvenile felony strikes in calculation of life sentence under the Persistent Offender Accountability Act. ACLU with Korematsu Center, King County Department of Public Defense, Washington Association of Criminal Defense Lawyers, and Washington Defender Association filed an amicus memorandum in support of review.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: pending

State v. Rivers

Case Description: Paul Rivers, a Black man charged in a criminal case, was convicted at trial following the empaneling of a jury panel without any Black potential jurors. Mr. Rivers offered evidence of historic exclusion and consistent underrepresentation of Black jurors in King County. This amicus brief argues that under the Washington Constitution, which affords greater protection of the right to a jury trial than the Sixth Amendment, evidence of underrepresentation of a distinctive group in the jury pool sufficiently establishes a fair cross section claim.

Links to briefs and Court Opinion:

Brief: [index.cfm \(wa.gov\)](#)

Opinion: pending

State v. Smith

Case Description: Amicus brief discussing the punitive effect of juvenile sex offender registration.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: WA Supreme Court denied review.

State v. Sum

Case Description: Challenges the constitutionality of seizures using "reasonable adult" standard as it applies to race and the experiences of BIPOC people.

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

* Case statuses are current as of June 13, 2023.

Opinion: [997306.pdf \(wa.gov\)](#)

State v. City of Sunnyside

Case Description: Amicus brief addressing issues related to due process and racial bias in housing and policing.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: pending

State v. Tatum

Case Description: ACLU-WA joined amicus memorandum in support of review by Washington Supreme Court arguing that imposing mandatory Legal Financial Obligations on indigent defendants unable to pay them raises significant constitutional questions.

Links to briefs and Court Opinion:

Brief: [index.cfm \(wa.gov\)](#)

Opinion: WA Supreme Court denied review

State v. Tesfasilasye

Case Description: Amicus brief that argues prosecutor's peremptory challenges striking potential jurors of color violated GR 37.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/petitions/100166-5%20King%20Co%20Dept%20of%20Public%20Defense,%20et%20al%20-%20Amicus%20Brief.pdf>

Opinion: [1001665.pdf \(wa.gov\)](#)

State v. The GEO Group

Case Description: Advocacy issues at Northwest Detention Center, including case seeking minimum wage for detainees at NWDC. The case has been

Links to briefs and Court Opinions:

Brief and Opinions: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#) – the Ninth Circuit certified the case to the WA Supreme Court, Case No. 101786-3

State v. Thomason

Case Description: Supports “minor nature of offense” as a mitigating factor in sentencing.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/998655%20Amicus%20-The%20Way%20to%20Justice%20and%20ACLU.pdf>

Opinion: [998655.pdf \(wa.gov\)](#)

State v. Zamora

Case Description: Discusses racial bias in questions prosecutor asked potential jurors, and the standard that should be applied regarding prejudice requiring reversal of conviction.

* Case statuses are current as of June 13, 2023.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/999597%20Amicus%20-%20Fred%20T%20Korematsu%20Center.pdf>

Opinion: [999597.pdf \(wa.gov\)](#)

Tingley v. Ferguson

Case Description: Supports the constitutionality of the WA law banning conversion therapy for minors.

Links to briefs and Court Opinion:

Brief available on PACER under Ninth Circuit Case No. 21-35815 and 21-35856

Ninth Circuit Opinion: [21-35815.pdf \(uscourts.gov\)](#)

United States v. J Holcomb

Case Description: Criminal case where the charge is based on material the police found in searching a person's home computer, far beyond the scope of the search authorized by the search warrant. The ACLU-WA amicus brief discusses the importance of the privacy rights people have in their home computers.

Links to briefs and Court Opinion:

Brief and Opinion: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Yim v. Seattle

Case Description: Constitutionality of Seattle's Fair Chance Housing Ordinance, limiting consideration of criminal record in denying rental housing.

Links to briefs and Court Opinion:

Briefs available on PACER under Ninth Circuit Case No. 21-35567

Ninth Circuit Opinion: [21-35567.pdf \(uscourts.gov\)](#)