

COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

IN RE SEAN W ,)	
)	Court of Appeal
A Person Coming Under the Juvenile)	No. A107500
Court Law,)	
_____)	
)	
THE PEOPLE OF THE STATE OF CALIFORNIA,)	Contra Costa
)	Superior Court
Plaintiff and Respondent,)	No. J0401191
)	
vs.)	
)	
SEAN W.,)	
)	
Defendant and Appellant.)	
_____)	

APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF
YOUTH LAW CENTER IN SUPPORT OF DEFENDANT AND
APPELLANT, SEAN W.

ON APPEAL FROM THE JUDGMENT OF THE SUPERIOR COURT
FOR THE CONTRA COSTA COUNTY SUPERIOR COURT,
HONORABLE LOIS HAIGHT, JUDGE

YOUTH LAW CENTER
Susan L. Burrell, Staff Attorney, State Bar No. 74204
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San Francisco, California 94104
(415) 543-3379, ext. 3911
Attorney for Amicus Curiae Youth Law Center

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APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF
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TO THE HONORABLE J. ANTHONY KLINE, PRESIDING JUSTICE
OF THE COURT OF APPEAL, FIRST APPELLATE DISTRICT,
DIVISION TWO:

Susan L. Burrell, acting on behalf of Youth Law Center, respectfully requests this Court to grant leave, pursuant to California Rules of Court, rule 13(c), to file a brief as amicus curiae on behalf of Defendant and Appellant, Sean W. The proposed brief is included with this request.

Youth Law Center, based in San Francisco, is a national public interest law firm specializing in issues relating to at-risk children, especially those in out-of-home confinement through the juvenile justice or child welfare systems. Since 1978, Youth Law Center attorneys have represented children in civil rights and juvenile justice cases in California and two dozen other states. Over the years, Youth Law Center attorneys have participated as amicus curiae in cases around the country involving important juvenile justice issues, and have appeared as amicus curiae numerous times in the California Supreme Court and California Courts of Appeal.

Apart from our litigation work, Youth Law Center staff have provided research, training, technical assistance, and legislative support to public officials in almost every State to improve juvenile court practice and address the treatment of children under the jurisdiction of juvenile courts. Staff attorneys have written dozens of articles on a range of juvenile justice issues, and authored Representing the Child Client (Matthew Bender, 2003, originally by Mark I. Soler, et. al, and now updated by Michael Dale).

While the Center works nationally, staff attorneys have long taken an active role in the California legislative process. We have been called upon many times to testify at legislative hearings, and to participate in meetings or informal discussions aimed at developing legislation relating to juvenile court law and treatment of children in the court system. Also, because of our long-term involvement in California juvenile justice policy work, Youth Law Center is often asked to provide contextual information in relation to developments in juvenile law.

This case asks the Court to determine whether Senate Bill 459 (S.B. 459), enacted in 2003, changed the provisions for determination of maximum confinement time in juvenile court dispositions in cases involving Youth Authority commitments. Although we believe the

changed statutory language is clear on its face (so that construction of extrinsic circumstances is unnecessary), Respondent has offered an incomplete and misleading attempt at legislative history that must be addressed. Because this may be the first appellate case to address this particular aspect of S.B. 459, it is essential that the Court have complete and accurate information about what the Legislature intended. Youth Law Center has filed a similar application and brief in the Fifth District Court of Appeal in the case of *In re Kenny C*, No. FO45524 (application filed January 8, 2005), but we do not yet know whether that application has been granted.

Youth Law Center is well-equipped to assist the Court in understanding the history of S.B. 459, because we were involved in the policy discussions that led to the legislation, and the discussions that occurred as it moved through the Legislature. Since the enactment of S.B. 459, our office has been contacted by numerous attorneys seeking background information about the bill and legislative history. The proposed amicus curiae brief provides just that kind of information to the Court -- the circumstances that led to S.B. 459, and what the Legislature had before it in deciding to enact the bill into law.

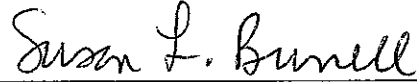
We are familiar with the questions involved in this case and the scope of their presentation. Counsel for Sean W. is aware of Youth Law Center's interest in the case and welcomes our participation.

For all of these reasons, we respectfully request that this Application for Leave to File Amicus Curiae Brief of Youth Law Center on Behalf of Defendant and Appellant, Sean W., be granted, and that the Brief of Amicus Curiae Youth Law Center on Behalf of Defendant and Appellant, Sean W., be filed.

Dated this 10th day of January, 2005, at San Francisco, California.

Respectfully submitted,

YOUTH LAW CENTER
Susan L. Burrell, Staff Attorney



SUSAN L. BURRELL, State Bar No. 74204

Attorney for Amicus Curiae Youth Law Center
on Behalf of Defendant and Appellant, Sean W.

DECLARATION AND PROOF OF SERVICE

I, Robin Bishop, declare as follows:

I am a resident of the State of California and employed in the County of San Francisco. I am over the age of 18, and not a party to the within action. My business address is 417 Montgomery Street, Suite 900, San Francisco, California 94104.

On the date indicated below I send the following document:

Application for Leave to File Amicus Curiae Brief of Youth Law Center in Support of Defendant and Appellant Sean W.

to the parties listed below by placing a true and correct copy of such document in an envelope and placing such envelope in a United States Post Office box, postage prepaid:

District Attorney
Contra Costa County
725 Court Street
Martinez, CA 94553

Contra Costa County Superior Ct.
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Attention: Hon. Lois Haight

First District Appellate Project
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San Francisco, CA 94107

Office of the Attorney General
455 Golden Gate Avenue
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San Francisco, CA 94102

Eleanor M. Kraft
P.O. Box 60698
Palo Alto, CA 94306 (2 copies)

I, Robin Bishop, declare under penalty of perjury that the foregoing is true and correct. Served and executed on this 10th day of January, 2005.

Robin Bishop