

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2018

NO. _____

HAYDEN A. BEAULIEU,

Petitioner, pro se

-VS-

STATE OF ARIZONA,

Respondent

STATE OF CALIFORNIA,
Real Party in Interest
On Petition for Writ of Certiorari

PETITION FOR WRIT OF CERTIORARI

TO THE SUPREME COURT OF THE STATE OF ARIZONA

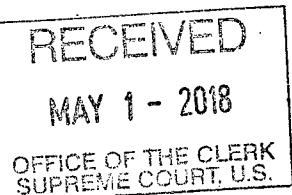
Respectfully submitted by,

Hayden A. Beaulieu

Alameda County Juvenile Justice Center

2500 Fairmont Drive

San Leandro, California 94578



QUESTIONS PRESENTED

Is it permissible under the 8th amendment of the Constitution to impose an adult sentence upon a minor who has been convicted of a non-dangerous, non-repetitive offense at the age of fifteen?

Is the bar on discretion of asylum states in extradition cases, as drawn by Puerto Rico v. Branstad, permissible under the 5th amendment, and is this ruling constitutional as decided by this Court?

Should an alleged fugitive should be permitted to bring the question of his physical safety in the asylum state if he faces unconstitutional treatment in the demanding state?

Is a judgment passed by a U.S. District Court of one state binding on the state courts of another state, with or without express determination?

Should the state hold a transfer hearing as to whether a defendant is competent to stand trial as an adult before the case is brought to adult court?

Should an additional transfer hearing be held in the event that the minor is in adult court, but the charges have been lowered, as to determine competency to face an adult sentence for charges that do not fall under the purview of adult-filing statutes?

How should juveniles be treated in adult extradition cases, given the Court's resolution of the above questions?

PARTIES TO THE PROCEEDING

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State of Arizona, Respondent
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State of California, Real Party in Interest!
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DECISIONS BELOW

On April 19th, 2018, the Supreme Court of Arizona denied a writ of habeas corpus, a writ of prohibition, and a stay of extradition based on the decision of the U.S. District Court for the Northern District of California.

The order denying the petitions is attached to this Writ.

The consolidated case number for the petitions in the Arizona Supreme Court is HC-18-0017.

STATEMENT OF THE CASE

On June 27th, 2016, the petitioner was convicted of attempted arson of an occupied structure in the Cochise County Superior Court in Bisbee, Arizona. The petitioner was 15 years old and charged as an adult. The case number is CR201500870, and the judge was James Conlogue. Under Arizona law, the petitioner had 90 days to submit a petition for post-conviction relief to the same court, which he did on or about September 15th, 2016. The petitioner never received a response to his petition, and found that his assigned attorney had effectively withdrawn the petition in March 2017. The petitioner was unaware that he had even had an attorney assigned to the case for relief, and the court failed to notify him of any such order dismissing the petition. Since no opinion was issued on the petition, there was nothing for him to appeal to a higher court. The petitioner did not have a trial. He signed a plea deal believing that was the only choice he had. Several charges were dropped, and the petitioner was thereby convicted of the sole remaining charge, attempted arson of an occupied structure. He was sentenced to 5 years on adult probation. The petitioner faced numerous safety concerns while in the care of social services, so he fled the State of Arizona. A petition to revoke probation has been filed in the Cochise County Superior Court, which will result in a term of imprisonment of up to 8.75 years for the petitioner if he is returned to Arizona.

The petitioner is currently held in the Alameda County Juvenile Justice Center in San Leandro, California pending extradition to Arizona. The petitioner has chosen to bring this petition to the United States Supreme Court because this dispute cannot be resolved by any state court.

The petitioner was originally charged under A.R.S. (Arizona Revised Statutes) 13-1501, which provides for county attorneys to charge juveniles as adults in certain circumstances. The petitioner later signed a plea deal in March 2016 which dropped most of his charges, leaving one charge that does not fall under the purview of A.R.S. 13-1501. The petitioner's attorney was incompetent at this stage, because at no point did he attempt to advocate for the fact that the petitioner could very well be prosecuted in Juvenile court without obstructing the ends of justice.

A.R.S. 13-1501 IS UNCONSTITUTIONAL

The petitioner alleges that A.R.S. 13-1501 is illegal under the 8th amendment abolition of cruel and unusual punishment and the 14th amendment provisions for due process. If a child is

charged under this law, any later reduction of charges has no effect over which court the child is tried in. For instance, the petitioner's crime was considered nonviolent and non-dangerous. His conviction also does not fall under the categories of charges listed in the statute. Because of this law and its lack of provision for reduced charges, the petitioner was forced to remain in adult court at the sole discretion of the prosecutor. The lower court violated the 8th amendment by not exercising due process by allowing the petitioner to remain in adult court with no opportunity to challenge the venue or apply to have the case remanded to juvenile court. A.R.S. 13-1501 is written in such a way that provides prosecutors sole discretion over whether children should be tried in adult court. The Cochise County Superior Court failed to hold a hearing or otherwise rule as to whether the petitioner was morally culpable enough to stand trial as an adult. This prevented the petitioner from accessing services that would have detected mitigating circumstances in his case. The judge, at sentencing, stated that he didn't need to consider the defendant's best interests when pronouncing a sentence.

PLEA AGREEMENTS SHOULD NOT AFFECT THE VENUE OF THE CASE UNLESS EXPRESSLY AND EXPLICITLY STIPULATED WITHIN THE AGREEMENT

The states may argue that the fact that the petitioner signed a plea agreement lowering his charges bars him from being charged in juvenile court without dissolving the agreement itself. The petitioner believes that this assumption would be incorrect because the plea agreement itself does not stipulate a venue, it was merely addressed to the parties involved at the time.

DETAINING A MINOR AMONGST ADULTS IN AN UNSAFE ADULT INSTITUTION IS CRUEL AND UNUSUAL UNDER THE 8TH AMENDMENT

While detained pending the resolution of his case and imposition of a sentence, the petitioner was housed in the Cochise County Jail, which is an adult institution. In this facility the petitioner was physically and sexually assaulted numerous times. Inmates would inappropriately grope and touch the petitioner's buttocks and genitals, demand anal sex, and flash their penises at him. The jail did very little to protect the petitioner, aside from locking him down in the same unit where inmates could continue to flash their penises at him through his window and make obscene threats and disturbing sexual gestures. The jail didn't effectively supervise the unit, thus allowing violent behavior, homosexuality, and mischief to run rampant.

NEW MITIGATING EVIDENCE EXISTS IN THE PETITIONER'S CASE

While incarcerated in California pending extradition to Arizona, the petitioner has been diagnosed with PTSD in connection to the cause of his crime itself. Arizona law doesn't appear to recognize this as a cognizable mitigating factor. The petitioner's PTSD came about from an abusive childhood with his father in Seattle, Washington, who had recently abandoned him in

Arizona. The PTSD causes intense flashbacks and blackouts, which are able to be controlled with the proper medication and therapy services.

THE RULING IN PUERTO RICO V. BRANSTAD IS UNCONSTITUTIONAL

Puerto Rico v. Branstad effectively prevents the petitioner from seeking relief. This past Supreme Court case ruling is unconstitutional because it violates the due process clause. The petitioner should be allowed to bring legitimate concerns of safety to the attention of the asylum state.

THE PETITIONER WAS DENIED DUE PROCESS

When the petitioner was originally brought before the Cochise County Superior Court, no hearing was held as to determine the competency of the 15-year-old minor to stand trial as an adult. Later, when several charges were dropped and the petitioner's case fell out of the purview of A.R.S. 13-1501, no hearing was held to determine the competency of the petitioner to be sentenced as an adult. Because the dangerous charges were dropped, the petitioner was legally eligible under A.R.S. 13-1501 to go to Juvenile Court. The petitioner was given no opportunity to contest this.

A NATIONAL CONSENSUS EXISTS AGAINST GIVING ADULT SENTENCES TO CHILDREN WHO DO NOT COMMIT DANGEROUS OR REPETITIVE OFFENSES

It is practically unheard of for a child to be sentenced as an adult at age 15 for a non-dangerous, non-repetitive offense. The Court is reminded that in the petitioner's sentencing his single remaining charge was classified as non-dangerous and non-repetitive.

CASE BACKGROUND

The petitioner grew up with his father in Seattle, Washington. When the petitioner was 14, his father beat him, left him to be homeless for 8 months, and then abandoned him in Arizona with abusive relatives. The petitioner then entered foster care. He developed PTSD which wasn't properly diagnosed until he was in California 3 years later. This is where he burned his old belongings in a closet out of grief.

While in custody in the Cochise County Jail, the petitioner was only 15 years old. He was housed with adults who repeatedly assaulted him physically and sexually by groping his buttocks and genitals, beating him, and flashing their penises at him. He was forced into the protection of members of the MS-13 gang and had to "pay his dues" by providing his protectors with whatever they wanted, such as commissary goods and translation of their legal papers to English.

When the petitioner was released on probation he spent time in abusive group homes. Despite his difficult home life, the petitioner managed to graduate high school as a sophomore and start college. His caseworker and PO seemed distant and unsupportive of this. After a while, the petitioner's old acquaintances from the MS-13 targeted him, so he left the state of Arizona. While in custody in California the petitioner has been diagnosed with PTSD, depression, and associated anxiety disorder. He is receiving the proper care and therapy, thus dispelling much of the trauma that caused him to commit his crime in the first place.

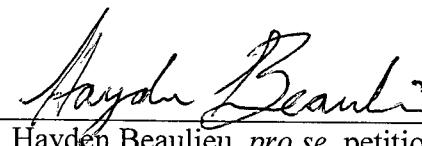
PRAYER FOR RELIEF

The petitioner prays that the Court would overturn his conviction in Arizona and nullify the extradition proceedings.

CERTIFICATION

I, Hayden Beaulieu, declare under penalty of perjury, that the contents of this petition are true to the best of my knowledge, and that I have served it, along with the accompanying documents, on the named defendant's attorney.

Dated this 19th of April, 2018.



Hayden Beaulieu, *pro se*, petitioner

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4 IN THE SUPREME COURT OF THE UNITED STATES

5 OCTOBER TERM 2018

6 HAYDEN BEAULIEU,

Case No.: Number

7 Petitioner,

8 vs.

9 POINTS AND AUTHORITIES IN SUPPORT OF
10 STATE OF ARIZONA,
10 Respondent

11
12 ISSUES AT HAND

13 I. Petitioner Hayden Beaulieu was convicted of attempted arson of an occupied structure in the Cochise
14 County Superior Court in Bisbee, Arizona on June 27th, 2016. The judge classified this as a non-
15 dangerous and non-repetitive offense. The petitioner was only 15 years old at the time of the
16 conviction in the adult criminal justice system of Arizona.

17 II. No transfer hearing was held when the petitioner was originally charged or when his charges were
18 lowered to crimes that did not fall within Arizona's direct-filing statute, A.R.S. 13-1501. A transfer
19 hearing should have been held in both cases.

20 III. The petitioner was unable to bring his concerns of the rights violations in Arizona to the state of
21 California when fighting extradition.

22
23 RULE OF LAW

24 Several courts have ruled on the issues at hand in this case. The general concept acknowledged by
25 several jurisdictions is that children are different than adults, and should be treated as such. The immediate court
26 itself has ruled on the nature of juveniles in several landmark cases, and so have the courts of many States.
27 California, for example, has banned the practice of directly filing adult charges against minors, and has made the law
28 retroactive in *People V. Vela* (2017) 11 Cal. App. 5th 68. The California Court of Appeal held that "... it is a potential
POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI - 1

1 ameliorating benefit to have a neutral judge, rather than a district attorney, determine that he or she is unfit for
2 rehabilitation within the juvenile justice system.” *Id.* This court also determined that there exists “an inevitable
3 inference that the electorate must have intended that the potential ameliorating benefits of rehabilitation (rather than
4 punishment), which now extend to every eligible minor [in California], must now apply to every case to which it
5 constitutionally could apply.” *Id.* “The possibility for a minor’s rehabilitation within the juvenile justice system is
6 analogous to the possible reduction of a criminal defendant’s sentence.” *Id.* Going further, the court suggested that,
7 “while a district attorney has an obligation to be objective and impartial, the duty of that position is also to act as a
8 zealous advocate.” *Id.* This goes to suggest that prosecutors are simply incapable of remaining objective in
9 determining whether or not a juvenile should be charged as an adult. The practice of direct-filing is a conflict of
10 interest in of itself. A rather blunt but true statement also given by the aforementioned court reads, “The decision to
11 file charges in [adult] criminal court [against a minor] is analogous to a prosecutor’s decision to pursue capital
12 charges against a defendant.” *Id.* This well-reasoned opinion has numerous applications to the current case, given
13 the lack of seriousness of the petitioner’s crime, as well as his lack of previous criminal history and Arizona’s
14 interpretation of his crime as non-dangerous and non-repetitive.

15 The immediate court, in *Roper vs. Simmons* (2005) 543 U.S. 551, concurred that the 8th
16 amendment “guarantees individuals the right not to be subjected to excessive sanctions” and that the right “flows
17 from the basic precept of justice that punishment for crime should be graduated and proportioned” to both the
18 offender and the sentence. Based on this standard, along with the standards set in *Vela*, any adjudication in adult
19 court against a minor whose case involves non-dangerous and non-repetitive crimes is inherently wrong. Is the
20 petitioner’s crime serious enough to be brought in an “adult” court? Given the analogy brought in *Vela* that charging
21 kids as adults is like bringing capital charges against an adult defendant, the answer to this question is no. *Roper*
22 clearly defines the characteristics of juveniles. “Children general are less mature than responsible than adults, ... they
23 often lack the experience, perspective, and judgment to recognize and avoid choices that would be detrimental to
24 them; ... they are more vulnerable or susceptible to ... outside pressures than adults.”

25 More rulings enumerate the opinion given in *Roper*, such as *Miller vs. Alabama* (2012) 567 U.S.
26 460. “... the distinctive attributes of youth diminish the penological justifications for imposing the harshest
27 sentences on juvenile offender, even when they commit terrible crimes.” *Id.* “... youth is more than a chronological
28 fact. It is a time of immaturity, irresponsibility, impetuousness, and recklessness. It is a moment and condition of life

1 when a person may be most susceptible to influence and to psychological damage. And its signature qualities are all
2 transient." *Id. Graham vs. Florida* (2010) 560 U.S. 48 suggests that "developments in psychology and brain science
3 continue to show fundamental differences between juvenile and adult minds."

4 This brings us to the question of rehabilitation vs. incarceration. For juveniles, rehabilitation is
5 obviously preferred, as exemplified in the aforementioned cases. Studies have shown that the majority of delinquent
6 youth will desist from criminal activity through the process of maturation and effective rehabilitation (see
7 Psychological maturity and desistance from crime in a sample of serious juvenile offenders at
8 <https://www.ojjdp.gov/pubs/248391.pdf> (2015). As the courts consider dispositional options, it is important to
9 weigh whether the proposed options will support this normal maturation, or whether they may actually interrupt the
10 developmental process and thereby undermine the court's rehabilitative goals. *Id.*

11

12 CONCLUSION

13 As for the petitioner's conviction in the state of Arizona, the ruling should be overturned. The
14 Court should also examine the points and authorities given above, and seriously consider the implications of
15 charging minors as adults for non-dangerous and non-repetitive crimes. The Court is respectfully requested to rule
16 with mercy and foresight as it determines the merits of the issues presented.

17

18 Dated this 22nd of April, 2018.

19

20 _____
21 Hayden Beaulieu
22