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SCWC-15-0000657

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I,
Respondent/Plaintiff-Appellee,

vs.

DARWIN RAMIREZ,
Petitioner/Defendant-Appellant.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-15-0000657; CR. NO. 98-0-2266)

DISSENT
(By: Wilson, J.)

I respectfully dissent to the decision of the majority rejecting Petitioner Ramirez's application for a writ of certiorari. For the reasons outlined in State v. Tran, SCWC-13-5233, 2016 WL 7429394 (Dec. 23, 2016) (Wilson, J., dissenting from order denying certiorari), Petitioner Ramirez's application for certiorari should be accepted in order for this court to consider whether the imposition of a mandatory life sentence with the possibility of parole under Hawai'i Revised Statutes

(HRS) § 706-656(1) (2014) is unconstitutional as applied to juvenile offenders. It is apparent that the imposition of a life sentence upon a juvenile deprived of the opportunity to present his or her mitigating factors to a sentencing judge requires this court to determine, pursuant to HRS § 602-59(b) (1) (2016), whether such a sentence is a grave error of constitutional magnitude constituting cruel and unusual punishment and a deprivation of due process. The grave consequence of placing a convicted boy or girl in the adult offender population subject to parole guidelines that do not identify child-centered mitigation factors also makes manifest this court's duty to grant certiorari.

DATED: Honolulu, Hawai'i, March 3, 2017.

/s/ Michael D. Wilson

