

## Juvenile Delinquency and Mens Rea

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### **United States Court of Appeals Reviews the Application of Mens Rea for a Juvenile Defendant Adjudicated Delinquent for Aggravated Sexual Abuse**

In *United States v. J.D.T.*, 762 F.3d 984 (9th Cir. 2014), the United States Court of Appeals, Ninth Circuit, reviewed evidence on appeal to determine whether the district court had applied the appropriate legal standards when adjudicating J.D.T., a juvenile defendant, delinquent on six counts of aggravated sexual abuse. The court of appeals also reviewed whether the finding of delinquency should be suspended.

#### *Facts of the Case*

J.D.T., a 10-year-old boy, was charged by the federal government with sexually abusing five boys (who were between the ages of five and seven years) in a residential Arizona neighborhood for military families. The government charged J.D.T. with multiple counts of sexual abuse in violation of 18 U.S.C. § 2241(c), § 2246, and § 2244. The government also filed a certification to proceed against him as a juvenile in federal court, citing that neither the juvenile court nor the state court had jurisdiction over him with respect to the alleged offenses. In addition, the government related that the offense charged was a crime of violence and that there was substantial federal interest in the case to warrant the exercise of federal jurisdiction.

During a bench trial, the victims testified directly regarding J.D.T.'s alleged offense. In addition, Judy Pike, a social services counselor at Fort Huachuca Medical Clinic, provided testimony regarding statements that one of the victims made to her about the alleged offense. Defense counsel objected to the introduction of these hearsay statements; however, the

district court ultimately overruled the objection. Defense counsel called Alfredo Guevara, MD, a board-certified urologist, who testified that J.D.T. had an undetectable level of testosterone in his bloodstream. The government called Dale Woolridge, MD, an associate professor of pediatrics and emergency medicine at the University of Arizona. Both experts testified that testosterone must be present for a postpubescent male to manifest sexual intent through an erection.

J.D.T. was adjudicated delinquent by the district court, which sentenced him to five years' probation and remanded him to the custody of his parents. The court also imposed restrictions as part of the conditions of his probation, including access to the Internet and movies, a curfew, supervision around children, compliance with medication, and participation in weekly individual and family therapy. J.D.T. requested that the district court suspend the determination of delinquency, due to concerns that the finding would result in his being labeled a sex offender and would not be conducive to rehabilitation. He filed a Motion to Correct Sentence; however, the district court declined to grant the motion to suspend his conviction. He appealed to the U.S. Court of Appeals for the Ninth Circuit, arguing, in part, that the district court lacked jurisdiction over his delinquency proceedings; that 18 U.S.C. § 2241(c) (2014) is unconstitutionally vague within the meaning of the Due Process Clause of the Fourteenth Amendment; that the district court erred when it denied his motion for judgment of acquittal, because there was insufficient evidence to support a finding of juvenile delinquency; and that the district court erred in denying his motion to suspend the finding of delinquency.

#### *Ruling and Reasoning*

The court of appeals held that the district court had jurisdiction over the juvenile proceedings, stating that J.D.T. had asserted a portion of his claim contesting the government's jurisdiction for the first time on appeal. Furthermore, the court cited 18 U.S.C. § 5032 (2002), which provides that juvenile proceedings will take place in federal court if the government certifies that the juvenile court does not have jurisdiction or refuses to assume jurisdiction over the proceedings, the state does not have programs available that adequately serve the needs of juveniles, or the offense charged is a crime of violence and there is a substantial federal interest in the offense to warrant federal jurisdiction. The court held

that the government accurately certified that no state court had jurisdiction over J.D.T. with respect to his alleged offense and that the government's representation was presumed to be accurate unless proven otherwise, as a single basis of certification is sufficient to establish jurisdiction.

Likewise, the court of appeals further held that § 2241(c) is not unconstitutionally vague. J.D.T. asserted that the statute violated due process because it failed to clarify how to proceed in cases where all participants were under the age of 12. He further claimed that the statute did not adequately inform him that he could be prosecuted for his conduct during the offense, because he belonged to the category of individuals that the statute is intended to protect (i.e., persons under the age of 12). However, the court rejected this contention and concluded that the language of the statute clearly encompasses any individual who engages in a sexual act. In addition, the court held that the statutory language plainly defines the specific conduct that is prohibited and who can be charged for such conduct.

J.D.T. made the additional contention that there was insufficient evidence for a finding of juvenile delinquency, as the district court did not appropriately apply the *mens rea* standard as it related to § 2241(c). Specifically, § 2241(c) prohibits “knowingly engag[ing] in a sexual act with another person who has not attained the age of 12 years” (18 U.S.C. § 2241(c) (2007)). J.D.T. asserted that he did not know the sexual nature of the acts he engaged in because he was a prepubescent child with no detectable levels of testosterone, which prevented him from having sexual motivation or intent. However, the court of appeals concluded that the use of the term “knowingly” in the statute referred to having knowledge of the facts of the offense, rather than a culpable state of mind.

Finally, the court of appeals held that the district court lacked the jurisdiction to deny J.D.T.'s motion for suspension of a delinquency finding because it did not provide a timely ruling on the motion. Thus, the court vacated the district court's disposition decision, remanded the case for reconsideration of all disposition options (including suspension of a determination of delinquency), and affirmed in all other respects.

#### Discussion

In this ruling, the court of appeals clarified the important distinction between *mens rea* and *actus reus*. In the present case, J.D.T. appealed the determination of juvenile delinquency, based in part on the assertion that

the district court erred by applying an incorrect legal standard to the relevant statute. Specifically, J.D.T. contended that § 2241(c) required that the standard of *mens rea* be applied and, as such, the government had to demonstrate that he “knowingly” engaged in a sexual act with another person. That is, he claimed that the *mens rea* standard required that he “know the sexual nature of the acts” he was engaging in.

However, the court rejected J.D.T.'s argument, holding that the term “knowingly” required only that the defendant have knowledge of the facts constituting the offense, rather than requiring that there be sexual intent or a sexual motive. The court based this conclusion, in part, on the legal framework presented in *United States v. Crowder*, 656 F.3d 870 (9th Cir. 2011), which explained that “knowingly” does not refer to “a culpable state of mind” or to “knowledge of the law.” Furthermore, when interpreting the statute, the court clarified that, although the statute prohibits engaging in a sexual act, the term “sexual” is not an adjective describing the “act,” but rather, “sexual act” is intended as an entire term that is further defined in the statute. That is, according to the court's interpretation, the statutory language does not require knowledge of the sexual nature of the act, because sexual act is itself a specific term that is defined under the statute. Thus, the court concluded that the government need only prove that J.D.T. had knowledge of the facts underlying the offense (i.e., that he had an understanding or awareness of his actions and knew that he was performing the acts in question), not that he had knowledge of the sexual nature of the acts or had sexual intent while committing the offense.

Of note, this interpretation is consistent with the American Law Institute's (ALI) Model Penal Code formulation of *mens rea*, which, in part, differentiates the mental state of “purposely” from “knowingly.” Accordingly, an individual's behavior is deemed to have occurred purposely when the criminal conduct in question was the intended result. In contrast, knowingly refers to an awareness of the nature or circumstances that make a given act a criminal offense, but the individual does not intend them as such. In this manner, the conclusion that the district court had applied the correct legal standard when it determined that the term knowingly requires only that J.D.T. had knowledge of the facts of the offense appears consistent with the model of culpability set forth by the ALI.

Disclosures of financial or other potential conflicts of interest: None.