

SUPREME COURT OF MINNESOTA

State v. Jama

923 N.W.2d 632 (Minn. 2019) · Decided February 27, 2019

SUMMARY

The Minnesota Supreme Court held that Minnesota's indecent-exposure statute, Minn. Stat. § 617.23, subd. 2, creates a general-intent crime rather than a specific-intent crime. Accordingly, the defendant was not entitled to a jury instruction on voluntary intoxication, and the court affirmed his conviction and the decision of the court of appeals.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	McKeig, Justice
JURISDICTION	Minnesota
DECIDED	February 27, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jama appealed his gross-misdemeanor indecent-exposure conviction, challenging the denial of a jury instruction on voluntary intoxication and arguing that the statute required specific intent. The court of appeals affirmed, and the Supreme Court of Minnesota granted review.
STANDARD OF REVIEW	The court reviewed the question whether the statute requires general or specific intent de novo as a question of statutory interpretation.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Mohamed Musa Jama v. State of Minnesota

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QUESTIONS PRESENTED

1. Whether Minn. Stat. § 617.23, subd. 1(3), as incorporated into the gross-misdemeanor offense in subdivision 2, requires the State to prove specific intent to be lewd or instead establishes a general-intent crime.
2. Whether Jama was entitled to a jury instruction on voluntary intoxication.
3. Whether the district court committed plain error by failing to instruct the jury on a specific-intent element.

HOLDINGS

1. Indecent exposure under Minn. Stat. § 617.23, subd. 1(3), is a general-intent crime. The State must prove that the defendant volitionally, rather than accidentally, engaged in an openly lewd act, but it need not prove an additional specific intent to be lewd.
2. Jama was not entitled to a voluntary-intoxication instruction because voluntary intoxication is available only as a defense to specific-intent crimes, and indecent exposure is a general-intent crime.
3. The district court did not commit plain error by failing to instruct the jury on a specific-intent element because the indecent-exposure statute does not contain such an element.

KEY QUOTATIONS

“Because the statute simply prohibits a person from intentionally engaging in the prohibited conduct (an openly lewd act), the offense of indecent exposure is a general-intent crime.” (923 N.W.2d at 637)

“As a result, the court of appeals did not err when it affirmed the district court's denial of Jama's request for a jury instruction on the defense of voluntary intoxication.” (923 N.W.2d at 637)

FACTUAL BACKGROUND

Jama approached a family gathering while standing on a public sidewalk, exposed his penis, fondled it, and gyrated in a manner simulating sexual intercourse. He was within five feet of four children, including a six-year-old and a twelve-year-old. After a witness unsuccessfully attempted to stop him, the witness called 911, and Jama was arrested at the scene.

PROCEDURAL HISTORY

The district court denied Jama's request for a voluntary-intoxication instruction after determining that indecent exposure is a general-intent crime. A jury convicted him, and the court of appeals affirmed the conviction. The Minnesota Supreme Court granted Jama's petition for review and affirmed the court of appeals.

DISPOSITION

affirmed

CASES CITED

- State v. Fleck, 810 N.W.2d 303 (Minn. 2012)

- State v. Wilson, 830 N.W.2d 849 (Minn. 2013)
- State v. Peery, 224 Minn. 346, 28 N.W.2d 851 (1947)
- Friedlander v. Edwards Lifesciences, LLC, 900 N.W.2d 162 (Minn. 2017)
- State v. Stevenson, 656 N.W.2d 235 (Minn. 2003)
- Houston v. International Data Transfer Corp., 645 N.W.2d 144 (Minn. 2002)
- State v. Prince, 296 Minn. 490, 206 N.W.2d 660 (1973)
- State v. Struzyk, 869 N.W.2d 280 (Minn. 2015)
- State v. Haywood, 886 N.W.2d 485 (Minn. 2016)
- Rex v. Crunden, 170 Eng. Rep. 1091, 1091; 2 Camp. 89, 90 (1809)

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