MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: I.D.,

Appellant,

v.

JUVENILE OFFICER,

Respondent.

DOCKET NUMBER WD83393

Date: September 29, 2020

Appeal from:

Buchanan County Circuit Court
The Honorable Daniel F. Kellogg, Judge

Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, Lisa White Hardwick and Thomas N. Chapman, Judges

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Attorneys:
Craig A. Johnston, Columbia for appellant.
Shariece L. Canady, St. Joseph for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: I.D., Appellant,
v.
JUVENILE OFFICER, Respondent.

WD83393 Buchanan County

Before Division Three Judges: Gary D. Witt, Presiding Judge, Lisa White Hardwick and Thomas N. Chapman, Judges

I.D., a minor, appeals from the family court's judgment adjudicating him delinquent for what would be, if charged as an adult, first-degree arson and second-degree involuntary manslaughter. I.D. contends the court erred in: (1) failing to apply an infancy exception, *doli incapax*, to the delinquency proceedings; and (2) failing to support findings of I.D.'s criminally negligent, reckless, and knowing conduct with substantial evidence.

AFFIRMED.

Division Three holds:

(1) The family court did not err in failing to consider the *doli incapax* infancy presumption. *Doli incapax* creates the rebuttable presumption that children between the ages of 7 and 14 lack the capacity to commit crime. Traditionally, the presumption applied only in criminal proceedings where a child defendant was tried as an adult. The presumption has neither been expanded to apply in delinquency proceedings, nor does it naturally apply under the common law.

(2) The family court did not err by failing to support its findings of criminally negligent, reckless, and knowing conduct with substantial evidence. The evidence demonstrates that I.D. acted in a destructive manner and was aware of the destructive nature of his conduct. Additionally, I.D. was aware of the presence of an incapacitated individual in the home. The evidence is sufficient to lead a reasonable fact finder to determine beyond a reasonable doubt that I.D.

acted with the requisite mens rea for what would be first-degree arson and second-degree involuntary manslaughter.

Opinion by: Lisa White Hardwick, Judge September 29, 2020

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.