



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**JEREMY MEJAK v. HONORABLE WARREN J.
GRANVILLE and STATE OF ARIZONA
CV-05-0299-PR**

PARTIES AND COUNSEL:

Petitioner: Jeremy Mejak, represented by Michael Terribile.

Respondent: State of Arizona, represented by Arthur Hazelton, Deputy Maricopa County Attorney.

FACTS:

In April 2003, a television news reporter posing as a 13-year-old girl took part in Internet “chat room” discussions. Mejak chatted with the reporter posing as a minor and, eventually, they agreed to meet at a pizza parlor for the purpose of engaging in sexual conduct. When Mejak showed up at the pizza parlor, he was greeted by news cameras and confronted by the adult female reporter.

The TV station later turned its material over to the police. In December 2003, Mejak was indicted on one count of “Luring a Minor for Sexual Exploitation” pursuant to A.R.S. §13-3554. He filed a motion to dismiss in which he argued that the indictment was insufficient as a matter of law because the statute does not make it a crime to lure an adult (other than a peace officer) posing as a minor. The trial court denied the motion to dismiss. The trial court reasoned that the “gravamen of the offense is to criminalize the offer of sexual conduct with a person a Defendant believes to be a minor. The intent provision is to deter the mere offer of sexual conduct.”

Mejak filed a Petition for Special Action in the court of appeals. The court declined jurisdiction. Mejak filed the instant petition for review.

ISSUES:

The issue presented for this Court is whether a defendant can be in violation of A.R.S. § 13-3554(A) by “luring” an adult, other than a peace officer, posing as a minor. Stated another way, whether A.R.S. § 13-3554(B) creates a defense on the grounds that the person “lured” was not a minor, but an adult, other than a peace officer, posing as a minor.

AUTHORITY:

A.R.S. § 13-3554 provides:

A. A person commits luring a minor for sexual exploitation by offering or soliciting sexual conduct with another person knowing or having reason to know that the other person is a minor.

B. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer posing as a minor.

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