



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**State of Arizona v. Hon. Marner/Haniffa
CR-24-0300-PR**

PARTIES:

Petitioner: The State of Arizona

Respondent: Hanees Mohamed Haniffa

FACTS:

Haniffa tried to have sexual contact with a fourteen-year-old “minor,” who, it turned out, was really an undercover police officer. He was arrested and charged with one count of luring a minor for sexual exploitation under A.R.S. § 13-3554(C).

Because of the “minor’s” young age, the State asked the trial court for an enhanced sentence under the dangerous crimes against children act (“DCAC”), A.R.S. § 13-705. Haniffa argued that because there wasn’t a real minor, he shouldn’t get an enhanced sentence. The trial court agreed with Haniffa.

The court of appeals also agreed with Haniffa. It held that for Haniffa’s crime, enhanced sentences under DCAC are only for when there is a real minor under fifteen. *State v. Marner*, 560 P.3d 338, 344-45 ¶ 22 (App. 2024).

This Court granted review and will consider two issues:

ISSUES:

1. Did the Respondent trial judge err when dismissing a DCAC allegation against Haniffa on a charge of luring a minor for sexual exploitation pursuant to § 13-3554(C)?
2. Does the statutory scheme require an actual minor victim under the age of fifteen to permit a DCAC sentencing enhancement pursuant to § 13-705?

RELEVANT STATUTES

§ 13-3554. Luring a minor for sexual exploitation; classification

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 is not a minor.

C. Luring a minor for sexual exploitation is a class 3 felony, and if the minor is under fifteen years of age it is punishable pursuant to § 13-705. A person who is convicted of a violation of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed by the court has been served or commuted.

§ 13-705. Dangerous crimes against children; sentences; definitions

...

R. A dangerous crime against children is in the first degree if it is a completed offense and is in the second degree if it is a preparatory offense, except attempted first degree murder is a dangerous crime against children in the first degree.

S. It is not a defense to a dangerous crime against children that the minor is a person posing as a minor or is otherwise fictitious if the defendant knew or had reason to know the purported minor was under fifteen years of age.

T. For the purposes of this section:

1. “Dangerous crime against children” means any of the following that is committed against a minor who is under fifteen years of age:

...

(s) Luring a minor for sexual exploitation.

....

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