

Case Brief

Crim law, the actus reus requirement

1/26/15

### Identity of Case

State v. Dalton, Ohio 2001 or so

Page 150 of the casebook

### Summary of Facts, Procedural History

Dalton wrote a journal of his fantasies of child molestation and torture as part of his therapy for being a pedophile. Someone found his journal, and he was prosecuted and convicted (7 year prison sentence) under an anti-pornography statute that criminalized "pandering obscenity involving a minor," which includes procuring, possessing, creating, etc any material that has a minor as one of its participants or a portrayed observer. ACLU takes over his appeal on the basis of thought crime prosecution...conviction overturned.

### Statement of the Issue

Does this statute create an improper punishment for thought crime?

### Holding

Conviction is dismissed on rehearing when a judge finds that the statute under which he was charged only applies to acts involving real children and noting that it was clear that Dalton's stories were never intended to be distributed.

### Reasoning

Not clear, this book does articles instead of actual informative decisions. Probably the bad publicity.

### Evaluation