

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

DASTIC *v.* DISTRICT OF COLUMBIACERTIORARI TO THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

No. 09–35. Argued July 8, 2020—Decided August 14, 2020

Petitioner was charged with various offenses by the District of Columbia. Included in that list were murder, attempted murder, and evasion. He was convicted and sentenced to a 10-day stint in prison. He appeals and asserts that the District’s prosecution was invalid because the alleged crime occurred on federal land and Municipal jurisdiction, in his view, does not extend to federal land. Additionally, petitioner contends that he lacked the required *mens rea* to support conviction because he claims that he mistakenly believed he was protecting the President when he committed his crimes, which involved attacking Secret Service agents.

Held:

1. Federal law authorizes Municipal prosecutions for offenses on federal lands. As such, a Municipal prosecution for a crime occurring on federal land does not violate federal sovereignty. Pp. 1–2.

2. Petitioner cannot invoke the mistake-of-fact *mens rea* defense because petitioner’s asserted interpretation of the facts was not a reasonable one. Because District law does not specify the contours of defenses, the common law rule applies and reasonableness is the benchmark for invoking that defense. Pp. 2–3.

Affirmed.

STEWART, J., delivered the opinion for a unanimous Court.

Opinion of the Court

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SUPREME COURT OF THE UNITED STATES

No. 09–35

DASTIC, PETITIONER *v.* DISTRICT OF COLUMBIA

ON WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA

[August 14, 2020]

JUSTICE STEWART delivered the opinion of the Court.

The petitioner was charged by the District of Columbia with murder, attempt to murder and evasion. After trial, the District Court convicted him and sentenced him to 10 days imprisonment. He appeals, claiming that he did not have the requisite *mens rea* to support conviction and that the District violated the dual sovereignty doctrine. We granted certiorari.

I

The petitioner alleges that his prosecution violates the dual sovereignty doctrine. Petitioner’s brief correctly restates the doctrine but proceeds to bizarrely apply it to conclude that his arrest was unlawful.

This represents a misunderstanding of the doctrine. The dual sovereignty doctrine is not a wide-ranging doctrine but rather an exception to the Double Jeopardy Clause. “The dual sovereignty doctrine, as originally articulated and consistently applied by this Court, compels the conclusion that successive prosecutions by” two sovereigns “for the same conduct are not barred by the Double Jeopardy Clause.” *Heath v. Alabama*, 474 U.S. 82, 88 (1985). Dual sovereignty should be understood as being separate, not in con-

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junction to, jurisdiction.

II

We now turn to the more fundamental issue of jurisdiction. Petitioner correctly asserts that municipal law does not ordinarily apply on federal land; however, he ignores that Congress passed laws to change this.

The Assimilative Crimes Act, 18 U. S. C. §13, incorporates on federal land by reference all the laws of “State, Territory, Possession, or District in which such place is situated.” 18 U. S. C. §13(a). “The ACA’s basic purpose is one of borrowing state law to fill gaps in the federal criminal law that applies on federal enclaves.” *Lewis v. United States*, 523 U. S. 155 (1998).

Ordinarily, matters incorporated as crimes under the ACA are tried by the federal government in federal courts; this is because 18 U. S. C §3231 provides that “[t]he district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.” *Ibid.* However, our Constitution proscribes municipal courts—therefore all municipal prosecutions must be done in federal courts. See generally *United States v. District of Columbia*, 5 U.S. 95 (2018). Therefore, the District can prosecute laws validly incorporated under the ACA under current federal law as it stands. The District, however, is still subject to the usual caveats that the ACA provides, and this authority could be revoked by congressional modification.

III

We finally turn to *mens rea*. The petitioner claims that he did not have the requisite *mens rea* for the crimes he is alleged to have committed. We reject this.

Most crimes are generally composed of two elements: evil act (*actus reus*) and evil mind (*mens rea*). An exception to this is of course strict liability offenses—these do not require the latter element.

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The second-degree murder charge requires that the person have malice; the other charges do not contain explicit *mens rea* requirements. The petitioner states that it was his belief that he was protecting who he believed to be the President in the White House. It is not disputed that petitioner's actions caused the death of the agent. It is generally the rule that a person who attacks someone else with intent to cause grievous bodily harm has the necessary *mens rea*. See, e.g., *People v. Carines*, 597 NW 2d 130, 136 (1999).

The petitioner essentially claims the defense of mistake of fact; that his incorrect information caused him to believe he was defending the President. The District of Columbia Criminal Code makes no specific provisions for defenses, so we adopt the common law rule that in order for the defense to apply the person's mistake must be a reasonable one that a reasonable person would make. See generally *Commonwealth v. Pierce*, 138 Mass. 165 (1884).

In this matter, we do not believe the mistake is a reasonable one. The petitioner did more than merely acknowledge the false information in the District Court discord but rather saw it as an invitation to form a *posse comitatus* and open fire on a Secret Service agent. He formed an unreasonable interpretation of the false information.

IV

The way our system is designed creates a jurisdiction nexus that allows this prosecution to occur. The mistake of fact that the petitioner proclaims is unreasonable to excuse his actions.

The judgment of the District Court is

Affirmed