

## COCOUNSEL

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**Skill:** Summarize

**Result created:** July 23, 2025

**Prompt:** Summarize the facts and legal findings in this case on a 6th grade reading level.

**Files:**

- [State v JD.pdf](#)
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**Result:**

State v JD.pdf

### Facts of the Case

In September 2020, a 17-year-old named J.D. was found to have videos on his phone showing him committing sexual acts with young children, including his stepsister and other relatives aged three, six, nine, and thirteen.<sup>1</sup> The videos were discovered by J.D.'s stepfather, who then informed J.D.'s mother, leading to a report to the New Jersey Division of Child Protection and Permanency and the Atlantic

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<sup>1</sup> In September 2020, when defendant was seventeen-and-a-half-years old, his stepfather (T.H.), observed a video on defendant's phone of him vaginally penetrating his nine-year-old stepsister, A.H. T.H. informed defendant's mother, S.H., who contacted the New Jersey Division of Child Protection and Permanency ("DCPP" or the "Division"). DCPP referred the matter to the Atlantic County Prosecutor's Office ("ACPO"). A.H. was interviewed by a sergeant from ACPO and confirmed the details of the assault. After securing a warrant, detectives obtained other videos of sexual assaults from J.D.'s phone. One video showed M.B., a six-year-old, standing and performing oral sex on defendant. Defendant can be heard telling the child, "Keep sucking it, you said you liked it." Another video involved a three-year-old victim performing oral sex on defendant. In all, evidence was collected relating to acts of penetration, pg. 2, [State v JD.pdf](#)

1 We use initials to protect the minors' privacy interests. R. 1:38-3(d)(12)., pg. 2, [State v JD.pdf](#) A-0822-23, pg. 2, [State v JD.pdf](#) against four of defendant's female relatives whose ages were three, six, nine, and thirteen at the time of the assault., pg. 3, [State v JD.pdf](#)

County Prosecutor's Office.<sup>2</sup> J.D. was charged with serious crimes, including aggravated sexual assault and endangering the welfare of a child.<sup>3</sup>

## Legal Findings

The main legal question was whether J.D. should be tried as an adult.<sup>4</sup> The State wanted to move the case to adult court because of the seriousness of the crimes.<sup>5</sup> A psychologist, Dr. Bogacki, evaluated J.D. and diagnosed him with disorders that made him act younger than his age, suggesting he could be rehabilitated.<sup>6</sup> However, the court considered several factors, like the nature of the crimes and J.D.'s mental health, and decided that the State did not abuse its discretion in

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<sup>2</sup> In September 2020, when defendant was seventeen-and-a-half-years old, his stepfather (T.H.), observed a video on defendant's phone of him vaginally penetrating his nine-year-old stepsister, A.H. T.H. informed defendant's mother, S.H., who contacted the New Jersey Division of Child Protection and Permanency ("DCPP" or the "Division"). DCPP referred the matter to the Atlantic County Prosecutor's Office ("ACPO"). A.H. was interviewed by a sergeant from ACPO and confirmed the details of the assault. After securing a warrant, detectives obtained other videos of sexual assaults from J.D.'s phone. One video showed M.B., a six-year-old, standing and performing oral sex on defendant. Defendant can be heard telling the child, "Keep sucking it, you said you liked it." Another video involved a three-year-old victim performing oral sex on defendant. In all, evidence was collected relating to acts of penetration, pg. 2, [State v JD.pdf](#)

<sup>3</sup> After completing its investigation, the ACPO formally charged defendant. The State issued multiple charges for what in adult criminal court would constitute the offenses of first-degree aggravated sexual assault, N.J.S.A. 2C:14- 2(a)(2)(A), second-degree photographing or filming a child performing a prohibited sexual act, N.J.S.A. 2C:24-4(b)(4), and second- and third-degree endangering the welfare of a child, N.J.S.A. 2C:24-4(a)(1); 2C:24-4(b)(4)., pg. 3, [State v JD.pdf](#)

<sup>4</sup> In this appeal, we decide a single question: whether the Family Part judge erred in finding the State did not abuse its discretion in seeking a jurisdictional waiver and involuntary transfer of juvenile defendant J.D.1 to the Criminal Part to face prosecution for multiple sexual offenses. Having reviewed the record and applicable principles of law, we determine the judge did not err and affirm. I., pg. 2, [State v JD.pdf](#)

<sup>5</sup> In this appeal, we decide a single question: whether the Family Part judge erred in finding the State did not abuse its discretion in seeking a jurisdictional waiver and involuntary transfer of juvenile defendant J.D.1 to the Criminal Part to face prosecution for multiple sexual offenses. Having reviewed the record and applicable principles of law, we determine the judge did not err and affirm. I., pg. 2, [State v JD.pdf](#)

<sup>6</sup> The State submitted its first Statement of Reasons in support of its motion for waiver of jurisdiction in June 2021, issuing a supplemental letter in support in October 2021, after reviewing an evaluation by psychologist retained by defendant, Dr. David Bogacki. Dr. Bogacki submitted a report diagnosing J.D. with pedophilia disorder and attention deficit hyperactivity disorder, among other disorders. He opined that these disorders combined to cause J.D. to be psychologically about two or three years below his chronological age. He further opined that J.D., who has no prior juvenile record, could be rehabilitated, militating against waiver., pg. 3, [State v JD.pdf](#)

seeking to try J.D. as an adult.<sup>7</sup> J.D. eventually pled guilty to several charges and received a 25-year sentence.<sup>8</sup>

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<sup>7</sup> N.J.S.A. 2A:4A-26.1 promulgates the criteria the State must satisfy when seeking a waiver of jurisdiction. Defendant stipulated to the initial criteria; that he was fifteen years of age or older at the time of the delinquent acts and that there is probable cause to believe the juvenile committed a delinquent act which, if committed by an adult, would constitute one of the enumerated offenses delineated in N.J.S.A. 2A:4A-26.1(c)(2)(a)-(o). The State then evaluated the factors outlined in N.J.S.A. 2A:4A-26.1(c)(3)(a)-(k) in support of its waiver application. Results of that evaluation were detailed in a twenty-one-page submission filed with the Family Part. The State assessed each statutory waiver factor, summarized as follows:, pg. 4, [State v JD.pdf](#)

Nature and Circumstances of the Offense (Factor a): The State emphasized the seriousness of the assaults, the disparity in size and power between defendant and victims, the threats and coercion used, the vulnerability of the disabled victim, and the significant adult court sentences defendant faced. Dr. Bogacki's report did not alter this assessment., pg. 4, [State v JD.pdf](#)

Whether the Offense Was Against a Person or Property (Factor b): This was considered especially important given multiple victims, and Dr. Bogacki's report did not change this view., pg. 4, [State v JD.pdf](#)

Degree of Juvenile's Culpability (Factor c): Strong evidence of guilt was seen to increase defendant's culpability. Although the defense raised mental health issues, the prosecutor concluded these did not negate intent, but revised the weight of this factor from, pg. 4, [State v JD.pdf](#)

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significant to moderate after considering Dr. Bogacki's report., pg. 5, [State v JD.pdf](#)

Age and Maturity (Factor d): Initially, the State contemplated defendant's age [seventeen] and maturity favored waiver. However, following Dr. Bogacki's evaluation, the State adjusted its position to indicate only slight or minimal weight in favor of waiver., pg. 5, [State v JD.pdf](#)

Eligibility for Special Education (Factor, pg. 5, [State v JD.pdf](#)

e): Defendant's [Individual Education Program] indicated special education status due to [Attention Deficit Hyperactivity Disorder]. Although evidence from the psychological evaluations was inconsistent, the State ultimately treated this factor as neutral., pg. 5, [State v JD.pdf](#)

Criminal Sophistication (Factor f): The State viewed defendant as moderately sophisticated, given the planning, evasion, training of victims, and use of signals and modified (compilation) videos for gratification., pg. 5, [State v JD.pdf](#)

Prior Delinquency History (Factor g): Despite no prior arrests, there were earlier child welfare referrals related to similar conduct that weighted slightly in favor of waiver., pg. 5, [State v JD.pdf](#)

Previous Custodial Disposition (Factor h): Because defendant had not been previously detained, this factor did not support waiver., pg. 5, [State v JD.pdf](#)

Child Welfare Agency Involvement (Factor i): Past agency involvement was noted, but the State considered this a neutral factor., pg. 5, [State v JD.pdf](#)

Mental Health Concerns (Factor j): Initially weighed neutrally; after Dr. Bogacki's report, the State found, pg. 5, [State v JD.pdf](#)

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this factor strongly favored keeping the case in juvenile court., pg. 6, [State v JD.pdf](#)

Victim or Family Input (Factor k): The victims' families described serious trauma and wanted defendant held accountable, weighing in favor of waiver., pg. 6, [State v JD.pdf](#)

<sup>8</sup> Plea negotiations ensued, and defendant pled guilty to several counts of aggravated sexual assault. The court imposed a twenty-five-year sentence as mandated by the Jessica Lunsford Act, N.J.S.A. 2C:14-2(a)., pg. 6, [State v JD.pdf](#)

## Court's Decision

The court reviewed the State's reasons for wanting to try J.D. as an adult and found them to be reasonable and supported by evidence.<sup>9</sup> The court noted that while there were disagreements between the State and the psychologist, these did not amount to an abuse of discretion.<sup>10</sup> The court affirmed the decision to try J.D. as an adult, concluding that the State's actions were not arbitrary or unsupported.<sup>11</sup>

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<sup>9</sup> We have reviewed the record and the court's ruling in this case. We are satisfied that the court considered Dr. Bogacki's report, incorporating the report's conclusions into its own findings. The court's review of the State's, pg. 8, [State v JD.pdf](#) A-0822-23, pg. 8, [State v JD.pdf](#)

detailed, individualized Statement of Reasons reflected a nuanced approach in which the State found certain factors weighed in favor of waiver while others did not., pg. 9, [State v JD.pdf](#)

<sup>10</sup> As highlighted in defendant's brief, and predictably enough, the State and Dr. Bogacki disagreed as to whether certain factors should be weighed in favor or against waiver. But differences in opinion are not tantamount to abuses of discretion., pg. 9, [State v JD.pdf](#)

<sup>11</sup> In sum, nothing in defendant's arguments persuades us that any of the State's assessments was arbitrary or unsupported by evidence in the record. In finding no abuse of discretion by the State in its application for waiver, the Family Part did not err., pg. 10, [State v JD.pdf](#) Affirmed., pg. 10, [State v JD.pdf](#)