You Decide

6.2 K.R.L., eight years, two months old, was playing with a friend behind a building. Catherine Alder heard the boys playing and directed them to leave because the area was dangerous. K.R.L. responded in an angry manner and replied that he would leave "in a minute." Alder, with obvious irritation, told the two boys, "No, not in a minute, now, get out of there now." The boys then ran off.

Three days later, K.R.L. entered Alder's home without her permission. He removed a goldfish from a fishbowl, chopped it into several pieces with a steak knife and "smeared it all over the counter." He then went into Alder's bathroom and "clamped a 'plugged in' hair curling iron onto a towel." K.R.L's mother testified that he admitted to her that entering Alder's home was wrong after she had beaten him "with a belt, black and blue." He told her that the "Devil was making him do bad things."

K.R.L. subsequently was charged with residential burglary. Earlier, he had taken "Easter candy" from a neighbor's home without permission. K.R.L. admitted to the police that he "knew it was wrong and he wouldn't like it if somebody took his candy." The same officer testified that on an earlier occasion, K.R.L. had been caught riding the bicycles of two neighbor children without having their permission. K.R.L. told the police officer that he "knew it was wrong" to ride the bicycles.

The assistant principal of K.R.L.'s elementary school testified that K.R.L. was of "very normal" intelligence. K.R.L.'s first-grade teacher said that K.R.L. had "some difficulty" in school and that he would place K.R.L. in a "lower age academically."

In Washington State, children younger than eight are incapable of a criminal intent. Children between

(Continued)