Washington courts have held that the State carries a greater burden of proving capacity when a juvenile is charged with a sex crime and that it must present a higher level of proof that the child understood the illegality of his act.

Nevertheless, the State need not prove that the child understood the act's legal consequences—that the act would be punishable under the law. Instead, the focus is on "'whether the child appreciated the quality of his . . . acts at the time the act was committed.'"

Substantial evidence supports the trial court's determination that Plueard understood his acts were wrong before age 12. . . . His admissions during the police interview summary provided evidence of his knowledge that this sexual contact was wrong and support the following . . . factors: (1) Plueard fondled MKM when he was around 10 or 11 years old, close to the age of 12, when capacity is presumed; (2) he admitted fondling MKM late one evening when he believed no one else was around, suggesting his desire for secrecy; (3) he stated that although he could not remember whether he had threatened MKM not to tell their parents, it "wouldn't surprise him" if he had because he knew his parents would "get mad"; and (4) he spontaneously described having thought while fondling MKM several years earlier that his sexual contact with her was like the song lyrics, "[T]his is so wrong, but it feels so right."

Plueard's thinking "this is so wrong, but it feels so right" differs from the "after-the-fact" acknowledgement that the Washington Supreme Court held insufficient to show that a child knew his act was wrong in *J.P.S.* [In that case,] JPS, a child with cognitive disabilities, admitted, "'I know it was bad and I feel really guilty about it,'" only after he was interrogated by the police three times over a month-long period and was shunned by his neighbors and classmates. The Supreme Court held that this admission alone was insufficient to overcome the presumption of incapacity by clear and convincing evidence because it was not particularly probative of what JPS knew at the time of his conduct. In contrast, Plueard's statement provided insight into what he was thinking as he was engaging in sexual contact with MKM, namely that it was "wrong" but it felt "right" to him.

We hold, therefore, that substantial evidence supports (1) the trial court's finding that Plueard knew his sexual contact was wrong when he committed his sexual acts before age 12, and (2) its conclusion that Plueard had capacity to commit the charged child molestation crimes before he turned 12 years old.