

Ashley Murguia
Legal Environment Business
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Case Brief

Case Name: Esquivel-Quintana V. Sessions

Cite: 581 U.S. ___ (2017)

Factual History:

Juan Esquivel- Quintana is a mexican citizen with permanent residency in the United States. Originally, he was accused of “sexual abuse of a minor,” which is a felony. Under the Immigration and Nationality Act: Act 237, “any alien who is convicted of an aggravated felony at any time after admission is deportable.” At the time Mr. Esquivel- Quintana was 21 and the minor was 17. Original judges charged him of a sexual abuse felony and sentenced him to be deported.

Mr. Esquivel- Quintana challenged the sentence under the violation of the INA. Sexual abuse in his case was determined by the age of the minor. California’s state statute classified a minor under the age of 18, yet the federal generic age of a minor is 16 and under. Petitioning to the higher courts the Supremacy clause of Preemption held through.

Procedural History:

The trial court was originally held in the state of California. Mr. Esquivel- Quintana was originally sentenced to deportation under the felony of sexual abuse of a minor. The definition of a minor was based on California penal code 288 PC, which states that minor is under the age of 18. In October, 2016, the petition for a writ of certiorari for his case was granted. Here the decision was challenged by the generic federal definition of sexual abuse to a minor (“ Under the age of 16”). In May 30, 2017, the case was reversed by Judge Gorsuch.

Issues Presented:

Under the immigration and nationality Act, Does this offense qualify as “sexual abuse of a minor” which potentially leads to the deportation of the defendant (in this case the petitioner)?

In turn, what was held, the decision of the case was based on the age of the defendant and plaintiff, therefore if based on age, minor has to be less than 16 for case to be qualified as “sexual abuse of a minor.”

Decision:

The Decision of the case was reversed.

Rules of Law:

Under the ruling of *Moncreiffe v. Holder*, for the crime to be a felony, the state classification has to be similar the the Federal generic classifications of that crime. In this case the generic federal age for a minor, in a sexual abuse felony, is under 16. Therefore in the basis of INA relating to the federal statute, to be charged as a “statutory rape” minor has to be under 16.

Application the of Law:

Applying these laws mostly concern defining the age in which a statutory rape can be filed because the charge was solely based on age. According to federal statute 18 U.S.C. §2243, to be charged with statutory rape, the minor has to be under the age of 16, and there must be a 4 year age difference. The statute was made 9 months prior of the federal change to the INA that added sexual abuse as a felony. Thus given as a precedent, it was understood that it was based off the statute.

Moncreiffe V. Holder states, “the state statute defining the crime of the conviction categorically fits within the generic federal definition of the convicted aggravated felony” and in

this case California §261.5 states that a minor is below 18, therefore not fitting the generic federal definition of a minor, which is under 16. In this instance, defending that petitioner should not be charged with a felony since it does not fit into the meaning of the generic federal definition.

Under the cases *Kawashima v. Holder*, *Gonzales v. Duenas-Alvarez*, and *Taylor v. United States*, “the state statute defining the crime of conviction categorically fits within the ‘generic’ federal definition of a corresponding aggravated felony,” and can relate to the *Mellouli v. Lynch* ruling that an “alien can be removed on the nature of their convictions, not on their actual conduct.” The nature of the actions in this case is under the act of consensual sex between someone “who is just turned 21” and someone “who is about to turn 18.” This creates a defense that conviction does not fit into the scenario.

Combining all ruling of these cases, supported the reversal of the case because it allowed the use of the federal definition of a minor and allowed federal law to preempt state law. Therefore Mr. Esquivel-Quintana cannot be deported under the Immigration and Nationality Act since the act committed in the case does not fit into the INA’s terms of sexual abuse .

Conclusion:

The ruling, announced by Justice Gorsuch, of the case was reversed. Petitioner, Esquivel-Quintana, is allowed to stay in the United States.