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12-year-old caught 'playing doctor' ruled Megan's Law offender

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A Warren County teenager who, at age 12, was caught "playing doctor" with his 6-year-old half brother must register as a sex offender under Megan's Law, the state Supreme Court ruled today.

Last year, a state appeals court ruled the teenager, identified only as T.T., was not sexually motivated and therefore not subject to Megan's Law. It freed him from a lifetime obligation to register with police and the threat of having his whereabouts publicized.

Today, the Supreme Court disagreed.

"By its very terms, Megan's Law extends beyond purely sexual offenses and sweeps in other offenders who target children," the court said in a 6-0, unsigned opinion. "Thus, although the Legislature has used the term 'sex offender' as a catchall description for all those who commit Megan's Law offenses, the statute specifically denominates certain acts that have no sexual component as 'sex offenses' subject to its purview."

According to court records, T.T. told a defense psychologist he was merely "curious" when he used a douche bottle to give an enema to his younger half-brother and then himself when he was 12. The psychologist, Timothy Foley, administered a test for detecting pedophiles and concluded that T.T. showed no sexual interest "in males or pre-pubescent children."

Today's ruling was a partial victory for the Warren County Prosecutor's Office. During arguments in April, Assistant Warren County Prosecutor Howard McGinn told the justices the appeals court "erroneously focused on the offender's motivation" rather than his juvenile delinquency conviction for aggravated sexual assault.

But the justices blocked plans by the prosecutor's office to send Megan's Law warning notices about T.T. to schools near his home. The justices ruled that T.T. should be categorized as a low risk, meaning only police have a right to know his identity and whereabouts.

The high court also noted that because T.T. is now 19, he can apply to a judge to be relieved of his obligation to register under Megan's Law. That application would be granted if T.T. can show by clear and convincing evidence that he is not likely to pose a threat to the safety of others.

[Click here](#) to read the ruling is online.

Contributed by Robert Schwaneberg

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