

2026 UT 31

IN THE
SUPREME COURT OF THE STATE OF UTAH

STATE OF UTAH,
Appellant,

v.

JAMES AFUAKIMOANA TAMOUA,
Appellee.

No. 20240457
Heard February 27, 2026
Filed August 20, 2026*

On Appeal of Interlocutory Order

Third District Court, Salt Lake County
The Honorable James T. Blanch
No. 191911370

Attorneys:

Derek E. Brown, Att’y Gen., Jonathan S. Bauer, Asst. Solic. Gen.,
Salt Lake City, for appellant

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JUSTICE NIELSEN authored the opinion of the Court, in which
JUSTICE PETERSEN, ASSOCIATE CHIEF JUSTICE POHLMAN,
JUSTICE JORGENSEN, and JUDGE LARSEN joined.

Having recused himself, CHIEF JUSTICE DURRANT did not
participate herein; DISTRICT COURT JUDGE MANDY LARSEN sat.

* As of January 31, 2026, “The Supreme Court consists of seven justices.” UTAH CODE § 78A-3-101(1). Pursuant to Utah Supreme Court Standing Order No. 18, this court sat and rendered judgment in this matter as a division of five justices.

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JUSTICE HAGEN stepped down from the court before this case was decided. JUSTICE JORGENSEN, having reviewed the briefs and listened to the oral argument recording, substituted for JUSTICE HAGEN and participated fully in this decision.

JUSTICE DENT became a member of the Court after oral argument in this matter and did not participate.

JUSTICE NIELSEN, opinion of the Court:

INTRODUCTION

¶1 James Afuakimoana Tamoua killed his cellmate, Reo Watts, under a schizophrenic delusion—a voice told him that it would kill him and his family if he did not kill Watts. The State charged Tamoua with murder, and Tamoua argued for special mitigation. The special-mitigation statute states that a homicide conviction can be reduced in seriousness if the defendant acted under a delusion that, if true, “would provide a legal justification for the defendant’s conduct.” UTAH CODE § 76-5-205.5(2)(a)(ii).¹ The question in this case is what “legal justification” means—does it just mean any basis on which to avoid legal liability, or is it a term of art for a particular category of defenses?

¶2 We hold that it is the latter. The Utah Legislature—following an old common-law distinction—has defined which defenses constitute justification, so the term “legal justification” is confined to what falls under “justification” as that term was understood at common law. If the facts were as Tamoua hallucinated, he could have a compulsion defense. While compulsion is a perfectly serviceable defense, it is not a *justification* defense under the code. Thus, he does not qualify for special mitigation.

¹ This provision was amended in 2023, changing “mental illness” to “mental condition.” 2023 Utah Laws ch. 18 (H.B. 385). Because this change is not material for purposes of this case, we cite the current version of the statute for the reader’s convenience.

BACKGROUND²

¶3 One evening at the Utah State Prison, Tamoua heard a voice—kill your cellmate, or I’ll kill you and your family. Tamoua then felt a sensation in his leg. Thinking that this sensation was the entity proving its ability to carry out its threat, Tamoua stood up, approached Watts and strangled him to death. Tamoua then pressed the emergency button in his cell to alert guards. When guards arrived, Tamoua told them, “I think I killed him, cuff me up.” He later told investigators that he had had no quarrel with Watts, but had to kill him “to save [his own] life.”³

¶4 The State charged Tamoua with murder. Tamoua filed a notice of intent to pursue delusion-based special mitigation. *See* UTAH CODE § 76-5-205.5.⁴

¶5 The State moved to preclude Tamoua from arguing special mitigation. To claim special mitigation, a defendant’s delusion must “provide a legal justification” for his conduct. *Id.* § 76-5-205.5(2)(a)(ii) (Mitigation Statute). Because Tamoua’s delusion was compulsion-based, the State argued, and compulsion was not included in Utah Code section 76-2-401 (Justification Section), it thus did not qualify as a “legal justification,” and so was not fit for special mitigation.

¶6 The district court denied the State’s motion. It ruled that Tamoua could argue for special mitigation because, in its view, compulsion was a legal justification. It reached this conclusion for

² This case is on interlocutory review. The parties do not dispute the facts for purposes of this appeal, only their legal import, so we recite the facts according to relevant district court filings. But we emphasize that Tamoua has not been convicted and retains the presumption of innocence. *See* UTAH CODE § 76-1-501(1) (“A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt.”).

³ Tamoua also told investigators, “Look I strangled him, but lived, that’s all I know” and that he had to save his life “from heaven and hell.”

⁴ Tamoua also intends to pursue insanity and/or diminished mental capacity. *See* UTAH CODE § 77-14-4. Those defenses are not before us.

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three reasons. First, because the Mitigation Statute did not explicitly reference the justification chapter of the criminal code, “legal justification” could mean that the legislature intended to refer to the Justification Section or intended a colloquial meaning. Second, because a statutory catchall in the Justification Section, *see* UTAH CODE § 76-2-401(1)(e), states that justification can exist in other parts of the code, it includes compulsion and entrapment defenses rather than just the listed justification defenses. Third, because even if the term “legal justification” were ambiguous, any ambiguity must be resolved in Tamoua’s favor under the rule of lenity.

¶7 The State petitioned for interlocutory review of that ruling, which we granted.

ISSUE AND STANDARD OF REVIEW

¶8 We are asked to decide the meaning of the term “legal justification” in the Mitigation Statute.⁵ This is a statutory interpretation question, which we review “for correctness, affording no deference to the district court’s legal conclusions.” *State v. Thurman*, 2022 UT 16, ¶ 13, 508 P.3d 128 (cleaned up).

ANALYSIS

¶9 “When interpreting a statute, our aim is to ascertain the intent of the legislature.” *Rosser v. Rosser*, 2021 UT 71, ¶ 42, 502 P.3d 294 (cleaned up). We begin “by looking at the plain language of the statute because it is the best evidence of legislative intent.” *Id.* (cleaned up). We also consider that plain language in light of both the statute as a whole and related statutes. *State v. Rushton*, 2017 UT 21, ¶ 11, 395 P.3d 92. If text and context settle the matter, we need not look to other interpretive tools. *Marion Energy, Inc. v. KFJ Ranch P’ship*, 2011 UT 50, ¶ 15, 267 P.3d 863. That is the case here.

¶10 The Mitigation Statute allows a defendant to argue for reduced culpability in a homicide case—for example, being convicted of murder rather than aggravated murder or of manslaughter rather than murder. *See* UTAH CODE §§ 76-5-202(3)(f)(i), -203(3)(b)(i). To qualify, a defendant must (among other

⁵ The parties have asked us to address only the defense of compulsion on this interlocutory appeal. We pass no judgment on the availability or viability of other defenses Tamoua may raise under the Mitigation Statute or whether mental illness may serve as a complete defense.

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things) cause another person's death "under circumstances that are not legally justified," but must also "act[] under a delusion attributable to a mental condition." *Id.* § 76-5-205.5(2)(a)(i). "[T]he nature of the delusion" must be "such that, if the facts existed as the defendant believed them to be in the delusional state, those facts would provide a legal justification for the defendant's conduct." *Id.* § 76-5-205.5(2)(a)(ii) (emphasis added).

¶11 Neither the Mitigation Statute nor any other part of the criminal code formally define the term "legal justification." But we do not read statutory terms in isolation; rather, we "read the plain language of the statute as a whole and interpret its provisions in harmony with other statutes in the same chapter and related chapters." *Castro v. Lemus*, 2019 UT 71, ¶ 17, 456 P.3d 750 (cleaned up). And when the same term appears in multiple provisions of the same statute, we ordinarily presume it carries the same meaning, even if one statutory section does not reference the other. *See Env't Def. v. Duke Energy Corp.*, 549 U.S. 561, 574 (2007) ("[W]e presume that the same term has the same meaning when it occurs here and there in a single statute . . ."); *see also* UTAH STATE LEGISLATURE, UTAH LEGISLATIVE DRAFTING MANUAL, 8 (2025) (emphasizing "consistent terms and phrases").

¶12 While "legal justification" is not included in any definitional statute, there is an entire part of the criminal code devoted to it entitled "Justification Excluding Criminal Responsibility." UTAH CODE §§ 76-2-401 to -409 (Part 4). It sets out the circumstances (discussed in detail below) under which the law treats conduct as justified.

¶13 When the Legislature uses the term "legal justification" in the Mitigation Statute, it refers to what the criminal code treats as a justification. *See Rushton*, 2017 UT 21, ¶¶ 11-12, 15-17 (relying on the "linguistic, structural, and statutory context" to interpret the text (cleaned up)); *Graves v. N.E. Servs., Inc.*, 2015 UT 28, ¶ 52, 345 P.3d 619 (similar). The Legislature spelled out what constitutes justification in the Justification Section.

¶14 The Justification Section lists which defenses qualify as justification (self-defense and defense of others, defense of habitation and property, reasonable fulfillment of duties by a government officer or employee, reasonable discipline by parents or parent-like figures, and reasonable discipline by corrections officers) with a catchall provision covering "when the actor's

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conduct is justified for any other reason under the laws of this state.” UTAH CODE § 76-2-401(1).⁶

¶15 Rather than confining the meaning of “justification” to the defenses listed in the Justification Section, the district court functionally gave it a broader and more colloquial meaning—that is, anything in the law that nullifies a person’s responsibility for a crime. But the Legislature has defined justification more particularly than that, albeit by a list rather than by a categorical statement.

¶16 The next question is whether Tamoua has asserted a “legal justification” defense under the code. He has not.

¶17 Tamoua claims to have murdered his cellmate under a delusion that some dark entity threatened to kill him and his family if he did not comply. The entity then made a supernatural manifestation showing that it could impact the physical world and make good on its threats. If this were true (as the Mitigation Statute requires us to presume, *see id.* § 76-5-205.5(2)(a)(ii)), then it would constitute, at best, a compulsion defense. *See id.* § 76-2-302(1) (“A person is not guilty of an offense when the person engaged in the proscribed conduct because the person was coerced to do so”). Compulsion is in the excuses section, part 3 of Title 76, Chapter 2(Part 3); Justification defenses, as shown, are in Part 4. That compulsion falls outside of Part 4 indicates that it is not a “legal justification.” *See, e.g., State v. Drey, 2010 UT 35, ¶ 19, 233 P.3d 476* (concluding that a provision located in “its own statutory section”—not with affirmative defenses—was not an affirmative defense).

¶18 The district court reasoned that because compulsion and self-defense have the same effect if established at trial (acquittal), they should both be treated as justifications for purposes of special mitigation. But many things in the law with identical effects are treated differently. For example, a court may dismiss a case through different procedural tools and for different reasons, including for jurisdictional defects (*see* UTAH R. CIV. P. 12(b)(1), (2)); pleading defects (*see id.* R. 12(b)(6)); evidentiary defects (*see id.* R. 56); constitutional defects, etc. But having the same effect

⁶ The remaining sections of Part 4 lay out the requirements for each enumerated defense, *see* UTAH CODE §§ 76-2-402 to -408, and a mitigation defense for victims of domestic abuse, *see id.* § 76-2-409.

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(dismissal) does not justify treating them similarly in other respects.

¶19 The district court also reasoned—echoed by Tamoua on appeal—that the catchall provision in the Justification Section sweeps more broadly than Part 4. That much is true, as far as it goes. But it does not go so far as the district court and Tamoua would have it.

¶20 The catchall provision includes instances “when the actor’s conduct is justified for any other reason under the laws of this state.” UTAH CODE § 76-2-401(1)(e). If Part 4 were the sole source for justification defenses, there is one other defense that might be swept in because it is not explicitly referenced in the Justification Section—deadly force in defense of individuals on real property. *See id.* § 76-2-401(1) (not explicitly referencing section 76-2-407).

¶21 But to the extent that the catchall sweeps more broadly than that (and the language “under the laws of this state” indicates that it does), whatever it includes still must be a *justification* defense. Before setting out to find justification defenses in other parts of the code, though, we must first understand what we are looking for.

¶22 The term “justification” had a particular meaning at common law, classifying a set of defenses to criminal conduct. *See* 2 WAYNE R. LAFAYE, SUBSTANTIVE CRIMINAL LAW § 9.1(a)(3) (3d ed.), Westlaw (database updated Oct. 2025). It was often contrasted with “excuse”—another common-law umbrella term for another set of defenses to criminal conduct. *Id.* § 9.1(a)(4) (addressing excuses). By retaining the terms “justification” and “excuse” and classifying defenses according to the common-law meaning of those terms, it is apparent that the Legislature uses them as terms of art incorporating the common-law meaning, rather than the ordinary meaning. *See State v. Canton*, 2013 UT 44, ¶ 28, 308 P.3d 517 (“The legislature is entitled to invoke specialized legal terms that carry an extra-ordinary meaning. And when it does so we credit the legal term of art, not the common understanding of the words.”).

¶23 At common law, certain *acts* were legally justified because “the circumstances” made them “socially acceptable” and relieved individuals of “criminal liability” or “even censure.” LAFAYE, above, § 9.1(a)(3) (cleaned up). That is, even though the conduct produced harm, “that harm is outweighed by the need to avoid an

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even greater harm or to further a greater societal interest.” *Id.* (cleaned up). Under such circumstances, conduct that would otherwise be criminal becomes legally permissible, or justified. Donald L. Horowitz, *Justification and Excuse in the Program of the Criminal Law*, 49 L. & CONTEMP. PROBS. 109, 111 (1986) (“Justification serves to preclude the prevention of evil from itself being called evil.”). Thus, “a justification defense is one that defines conduct otherwise criminal, which under the circumstances is socially acceptable and which deserves neither criminal liability nor even censure.” LAFAVE, above, § 9.1(a)(3) (cleaned up). These defenses involve some triggering event which “permits a necessary and proportional response.” *Id.* (cleaned up). The classic example of a justification defense is self-defense: the unlawful use of force against a person justifies a proportional response. *Id.*

¶24 In contrast, certain *actors* were excused because “some characteristic of the actor” —such as insanity, age, or compulsion— “vitiates society’s desire to punish him.” *Id.* § 9.1(a)(4) (cleaned up). Even when the elements of the offense are established, the law may decline to impose, or excuse, criminal liability because the defendant lacked the level of responsibility ordinarily required for punishment. *See id.* (“The princip[al] distinction . . . is that in the case of an excuse conviction is deemed inappropriate because of a lack of responsibility on the part of the defendant.”).

¶25 So in contrast to justification defenses, excuses look more to the blameworthiness of the defendant himself—he has some “disability causing an excusing condition” that mitigates his wrongdoing. *Id.* (cleaned up). The classic example of an excuse defense is insanity—the defendant himself has some defect compelling his actions that doesn’t affect the wrongness of the action but does affect his culpability. *Id.* Duress (or compulsion) is another example of an excuse. *Id.*

¶26 In short, “acts are justified; actors are excused.” *Id.* (cleaned up). Justifications negate criminality; excuses negate punishability. *See* Mitchell N. Berman, *Justification and Excuse, Law and Morality*, 53 DUKE L.J. 1, 18 (2003) (“[A] justification within the criminal law means that conduct which appears at first blush to be criminal does not, all things considered, violate the law. In contrast, an excuse means that it is criminal but not punishable.”); *see also* LAFAVE, above, § 9.1(a)(4), (“At early common law, the distinction between justification and excuse was a critical one, for an acquittal on the basis of justification provided a complete defense, while a

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finding of excuse merely gave the Crown an opportunity to grant a pardon.”).

¶27 “Distinguishing justification from excuse accords with common practice.” Winfried Hassemer, *Justification and Excuse in Criminal Law: Theses and Comments*, 1986 BYU L. REV. 573, 609 (1986). While the Legislature abolished common-law crimes—and many common-law distinctions—in 1973, some aspects of the common law echo in statute. As shown, Utah’s criminal code maintains the distinction between justified conduct (in Part 4) and excused conduct (in Part 3). Those separate lists largely mirror the common-law distinction. Compare UTAH CODE §§ 76-2-301 to -408, with LAFAVE, above, chs. 9–10.⁷

¶28 The distinction remains important because it reflects two different normative judgments: whether the act itself was right under the circumstances, or whether the actor should not be punished despite having committed a wrongful act. See LAFAVE, above, chs. 9–10; see also Berman, 53 DUKE L.J. at 18.

¶29 The distinction also has some practical effect. Though a successful justification defense and successful excuse defense now have the same effect for a criminal defendant—acquittal—the difference may matter for other actors. As the State pointed out at oral argument, if a person acts in self-defense or defense of others,

⁷ There is a small quirk in that some of the procedural rules that apply to justifications are located within Part 3—the excuse section. See UTAH CODE § 76-2-309. But while location can inform textual meaning, it cannot override it. See, e.g., *Graves v. N. E. Servs., Inc.*, 2015 UT 28, ¶¶ 52, 55–56, 345 P.3d 619 (noting that the “clear meaning” of statutory text controlled over context or structural considerations). The text of section 309 points the reader exclusively to Part 4. UTAH CODE § 76-2-309(1) (“An individual who uses or threatens to use force as permitted in Section 76-2-402, 76-2-404, 76-2-405, 76-2-406, 76-2-407, or 76-2-408 is justified in that conduct.”). This cross-reference does not blur the line between excuse and justification. Likewise, section 76-2-409, contains a quirk—a non-justification defense in the justification section. There, a mitigating defense for battered persons, applies only where the conduct was “not legally justified.” *Id.* § 76-2-409(2)(a)(i). Far from blurring the distinction between excuses and justifications, this classification explicitly treats the mitigation as a nonjustification defense.

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then no crime is committed at all. But if a person acts under compulsion, her conduct may be excused, but there was still a crime committed, and the person compelling her would still be criminally liable for the compelled act.

¶30 The Legislature further emphasizes the justification/excuse distinction in the murder and aggravated murder statutes, which explicitly refer to “justification or excuse” when defining defenses. UTAH CODE §§ 76-5-202(4)(a), -203(4)(a). In the Mitigation Statute, however, the Legislature referred only to justification. Given the longstanding distinction between justification and excuse, the omission of excuse defenses is a meaningful one.

¶31 Equipped with this distinction, we can readily identify defenses outside of Part 4 that would fall under the Justification Code’s catchall. *See* UTAH CODE § 76-2-401(1)(e). For example, section 76-5c-109 provides a defense to possession of child pornography: “It is an affirmative defense to a prosecution” for that crime “that the distribution of . . . pornographic material is restricted to institutions or persons having scientific, educational, governmental, or other similar *justification* for possessing . . . pornographic material.” *Id.* § 76-5c-109(1) (emphasis added). The Legislature called it a justification, and it bears the hallmarks of that: there is a triggering event (coming into possession of prohibited material) that is rendered not illegal by a circumstance external to the actor. Other instances lack the name but have the substance. *See, e.g., id.* § 13-10b-301 (permitting private persons to detain unlawful recorders of motion pictures “in a reasonable manner and for a reasonable length of time”); *id.* § 32B-4-209(1)(c)(i)–(ii) (permitting private persons to detain suspected unlawful purchasers of alcohol so long as that detention is reasonable); *id.* § 64-13d-104(1) (permitting prison employees to use “reasonable force to the extent allowed by state law”); *id.* § 77-7-12(1) (permitting private persons to detain suspected thieves “in a reasonable manner” and “for a reasonable length of time”). While this list of examples may not be comprehensive, it does show that the Justification Section’s catchall does substantive work and that it does not encompass excuse defenses like compulsion.

¶32 Finally, the district court alternatively relied on the rule of lenity to construe any ambiguity in the term “legal justification” in

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Tamoua’s favor.⁸ But with the background and structure above in mind, we see no ambiguity. The rule of lenity thus does not apply. *See, e.g., State v. Badikyan*, 2020 UT 3, ¶ 33 n.48, 459 P.3d 967 (“Because we find that the Plea Withdrawal Statute is not ambiguous, we need not reach Mr. Badikyan’s claim that the rule of lenity requires us to adopt his preferred reading.”).

CONCLUSION

¶33 When the Utah Legislature referred to “legal justification” in the Mitigation Statute, it was referring to conduct that the law classifies as justified. The Legislature separately set out justified conduct in the Justification Section. Because Tamoua’s compulsion defense is not included in the Justification Section – either explicitly or within the catchall provision – it is not a “legal justification” under the Mitigation Statute, and he may not claim special mitigation based on it. We reverse the district court’s ruling to the contrary and remand for further proceedings consistent with this opinion, offering no opinion on what other defenses may qualify Tamoua to assert special mitigation.

⁸ Confusingly, there are two distinct legal doctrines in Utah that have each been called the “rule of lenity.” The first doctrine (not at issue here) applies when the legislature lowers the penalty for an offense between commission and sentencing, and the defendant gets the benefit of the lessened penalty. *See, e.g., State v. Kenison*, 2000 UT App 322, ¶ 8, 14 P.3d 129. This doctrine has been mislabeled the “rule of lenity,” *see id.*, but it is more properly conceived of as a limited strain of the common law amelioration doctrine, which was an exception to the general rule against retroactive application of statutes, *see State v. Featherston*, 2026 UT 13, ¶¶ 21–31, __ P.3d __ (discussing limited reach of amelioration doctrine in Utah in light of the general savings statute); *see generally* Eileen L. Morrison, Note, *Resurrecting the Amelioration Doctrine: A Call to Action for Courts and Legislatures*, 95 B.U. L. REV. 335, 340–41 (2015) (discussing history and origins of amelioration doctrine). The actual rule of lenity (which the district court relied on here) is a rule of statutory construction that says that if a term in a criminal statute remains ambiguous after consulting other canons, the court prefers the defense-friendly interpretation. *See, e.g., Met v. State*, 2016 UT 51, ¶ 43 n.10, 388 P.3d 447.