

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

EDWIN CUADRADO, JR.,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

KATIE HURRELBRINK
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101
Telephone: (619) 234-8467

Attorneys for Petitioner

QUESTION PRESENTED FOR REVIEW

The First, Fifth, and Tenth Circuits have held that assault on a federal officer is a specific-intent crime, to which a defendant may raise a diminished capacity defense. The Sixth, Ninth, and D.C. Circuits have held that assault on a federal officer is a general-intent crime, precluding diminished capacity defenses. The Seventh and Eighth Circuit have issued conflicting opinions on the matter.

The question presented is: Is assault on a federal officer under 18 U.S.C. § 111 a general-intent or specific-intent crime?

PARTIES, RELATED PROCEEDINGS, AND RULE 29.6 STATEMENT

The parties to the proceeding below were Petitioner Edwin Cuadrado and the United States. There are no nongovernmental corporate parties requiring a disclosure statement under Supreme Court Rule 29.6.

All proceedings directly related to the case, per Rule 14.1(b)(iii), are as follows:

- *United States v. Cuadrado*, 23-CR-1855-LAB, U.S. District Court for the Southern District of California, Judgment issued April 29, 2024.
- *United States v. Cuadrado*, No. 24-2937, U.S. Court of Appeals for the Ninth Circuit, Memorandum disposition issued January 12, 2026, Petition for rehearing en banc denied April 17, 2026.

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INTRODUCTION

After his arrest for assaulting a co-worker at a U.S. post office, Edwin Cuadrado was booked into jail and placed under the supervision of a treating psychologist for the first time in his life. Six months later, he was diagnosed with schizophrenia. At trial, he hoped to raise a diminished capacity defense to the charge of assaulting a federal officer under 18 U.S.C. § 111. But Ninth Circuit precedent precluded him from doing so. Like the Sixth and D.C. Circuits—and, in more recent opinions, the Seventh and Eighth Circuits—the Ninth Circuit interprets § 111 as a general-intent crime, to which diminished capacity defenses do not apply. The First, Fifth, and Tenth Circuits—as well as the Seventh and Eighth Circuits in earlier opinions—interpret § 111 as a specific-intent crime. In those circuits, Mr. Cuadrado could have raised the defense of diminished capacity. Mr.

Cuadrado’s case therefore provides an ideal vehicle for addressing this circuit splitting question. This Court should grant certiorari and reverse.

OPINION BELOW

A Ninth Circuit panel affirmed Mr. Cuadrado’s conviction in a memorandum disposition. *See* Pet. App. A; *see also United States v. Cuadrado*, No. 24-2937, 2026 WL 84566 (9th Cir. Jan. 12, 2026). Mr. Cuadrado subsequently filed a petition for rehearing and rehearing en banc, which was denied. *United States v. Cuadrado*, No. 24-2937, Docket No. 53.

JURISDICTION

The Ninth Circuit affirmed Mr. Cuadrado’s conviction on January 12, 2026. Pet. App. A. The court denied Mr. Cuadrado’s petition for rehearing or rehearing en banc on April 17, 2026. *United States v. Cuadrado*, No. 24-2937, Docket No. 53. The Court has jurisdiction under 28 U.S.C. § 1254(1)(1).

STATUTORY PROVISION INVOLVED

Title 18 U.S.C. § 111(a)(1) provides, in relevant part, “Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties . . . shall . . . where such acts involve physical contact with the victim of that assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both.”

STATEMENT OF THE CASE

On August 30, 2023, Edwin Cuadrado was arrested for assaulting Benjamin Aficial, a U.S. Postal Service (“USPS”) employee. 18 U.S.C. § 111(a), (b). Soon after,

Mr. Cuadrado met with jail psychologist Dr. Shannon Griswold—his first time ever receiving psychiatric care. She diagnosed him with schizophrenia. That diagnosis would come to shape the course of his federal trial.

A. Despite decades-long struggles with delusions and hallucinations, Mr. Cuadrado secured a job at the post office—but the delusions continued.

Though Mr. Cuadrado would have to wait until 2023 for a diagnosis, his symptoms began much earlier. He was about 12 years old when he first told his mom that he was hearing voices. By age 14, he was making bizarre statements and acting paranoid. He could hear authority figures whispering to him. He warned his mom not to leave the house and told her that the phone, TV, house, and car were bugged. He thought he was being watched from satellites in the sky and that passersby could hear his thoughts. As the voices became more threatening, he began to suspect that whomever was surveilling him meant to do him harm. Despite these warning signs, Mr. Cuadrado never received psychiatric help, the all-too-common result of financial and stigmatic barriers to seeking care.

As an adult, Mr. Cuadrado functioned in some areas of his life while struggling in others. He was forced to leave his mom's house after altercations with his sister (herself diagnosed with bipolar). By 2023, he was living in his car. But he successfully landed a job at USPS. He was on his seventh year as a postal employee in 2023.

By that time, however, his symptoms had begun to assert themselves at work. He began filing strange complaints. One alleged that co-workers watched him in the changing room. Others claimed that someone at USPS had bugged his postal

vehicle, or that his truck was listening to him. Co-workers sometimes saw him talking to himself, or to the sky.

Many of his delusions concerned his supervisors. He complained to co-workers that supervisors were harassing and watching him. He told his mom that the supervisors spoke to him through car speakers and that they planted cameras to try to catch him naked. When the gas light came on in his car, a voice would say, “You’ve got to get to work.” He began unplugging his car battery at night, thinking that that would disrupt the monitoring. But if a plane flew over him afterward, he assumed it was there to reestablish surveillance. Mr. Cuadrado even came to believe that his supervisors had assaulted him in the past.

As his paranoia began affecting his workplace behavior, some of his delusions became self-fulfilling prophecies. Co-workers really did start talking about him behind his back. They would point at him and call him “[t]he crazy guy” or “the lunatic.” His supervisor, Jose Rodriguez, joined in, calling him names and laughing at him. Customers didn’t like Mr. Cuadrado, either. Amazon had recently requested that he not visit their facility after conflicts with their security staff.

All this subjected Mr. Cuadrado to extra scrutiny from management—exactly what his delusions told him to expect. Just a few hours before the assault, USPS supervisor Benjamin Aficial sent an email to Mr. Rodriguez about Mr. Cuadrado: “What are we going to do about this driver?”

B. Surrounded by three supervisors, a panicked Mr. Cuadrado wounded one supervisor with a box cutter.

August 25—the day of the altercation—began normally enough.

Mr. Cuadrado started his shift in the afternoon.

Around 5:30pm, he took his meal break. He decided to stop at a Shell gas station near the USPS distribution center. That Shell receives a “constant” flow of USPS employees, many of whom park their large vehicles on the side of the road. Though common practice, parking illegally and leaving mail unattended violates USPS rules.

Shell station employee Christina Quintero was working in the convenience store that afternoon. Ms. Quintero knew Mr. Cuadrado. He came in often. She had frequently observed him behaving oddly. He would mumble to himself and look around cautiously, and he once told her that someone was following him.

As Mr. Cuadrado made his way to the drink cooler, Ms. Quintero saw someone march into the store and approach Mr. Cuadrado authoritatively—“like a federal police officer,” with “just a very strong demeanor,” she would later recall. It was Mr. Cuadrado’s supervisor, Mr. Rodriguez. Mr. Rodriguez’s shift had ended at 3:30pm, but he left work late. He was on his way home when he spotted Mr. Cuadrado’s truck and decided to enforce the rules. On entering the store, Mr. Rodriguez walked up to Mr. Cuadrado and said, “You need to move that truck. You can’t be here.” Mr. Cuadrado said he was on his lunch but otherwise remained calm.

Mr. Cuadrado checked out. “Rodriguez was, like, still, like, right behind him, like, kind of, like, harassing him,” Ms. Quintero would remember. Mr. Cuadrado left the store. 3-ER-444. Mr. Rodriguez followed close behind.

Finally, outside the store, Mr. Cuadrado turned around. He pushed Mr. Rodriguez. “You guys followed me,” he yelled. “You guys put a camera on me.” He told Mr. Rodriguez to quit following him and his family. He then took the soda he had just purchased and threw it at Mr. Rodriguez’s car.

At that point, Mr. Rodriguez ordered Mr. Cuadrado to return to the distribution center. Mr. Cuadrado got in the truck and headed that way, with Mr. Rodriguez in pursuit. On the way, Mr. Rodriguez called the center for assistance. Mr. Aficial and one other supervisor agreed to meet him in the parking lot. As they would later admit, this was not the normal protocol for disciplinary actions.

Back at the distribution center, the three supervisors converged on Mr. Cuadrado’s truck. They told him to halt. He complied. The supervisors huddled around the driver’s side door, three or four feet away. Mr. Cuadrado opened the door. He yelled, “Stop bugging my phone. J-Rod”—meaning, Mr. Rodriguez—“stop following me.” The supervisors ordered him to hand over his badge. He refused. Mr. Rodriguez told Mr. Cuadrado to get down from the truck.

When Mr. Cuadrado finally did come down, he pushed Mr. Rodriguez away from him. He then reached into his pocket and pulled out a pocketknife, which he normally used as a box cutter. He started swinging it at the three supervisors. On

seeing the knife, one supervisor picked up two rocks and headed back towards Mr. Cuadrado. As the supervisor approached, he saw Mr. Aficial fall against the truck while Mr. Cuadrado swung the knife toward him. The knife made contact, slicing Mr. Aficial across the head.

The supervisors scattered. Mr. Cuadrado returned to his minivan and left.

He was arrested five days later. Post-arrest, Mr. Cuadrado gave a much different account of the encounter. He did not think the supervisors were there for discipline. Instead, he “felt like he was going to be killed.” He remembered that the supervisors were “red faced” and “hot.” He felt “boxed in.” As they moved closer, Mr. Cuadrado decided to try “to push his way out to escape.” But “they were still closing in.” Finally, believing that Mr. Aficial was trying to grab him, Mr. Cuadrado lunged for his hand. But Mr. Cuadrado missed and hit him in the head instead.

Mr. Cuadrado expressed profound remorse. That’s why he threw the knife away. He “didn’t want anything to do with it” after the altercation. But when asked if Mr. Cuadrado wanted to write an apology letter, he said he would do so only if the charges were dropped. He explained why he hesitated to apologize unconditionally. On the one hand, “I do – I do – I would like to apologize, but it is – like my girls – they don’t look at me like it is okay. It is like they died inside, and it is really freaking – it is horrible,” he said. But on the other hand, he believed he was reacting to a genuine threat: “I feel horrible. I was like, ‘Why are you doing this?’ I, you know – but I have never been attacked like that, either.”

C. Mr. Cuadrado's symptoms continued in jail until he was diagnosed with schizophrenia and prescribed medication.

Mr. Cuadrado was booked into jail. There, his strange behavior quickly caught Dr. Griswold's attention.

By that point, however, another important fact had emerged: Mr. Cuadrado had recently used methamphetamine. (This is unsurprising, as having schizophrenia increases the likelihood of drug use.) Mr. Cuadrado told doctors that he used meth about twice a month, including to stay awake at work. Post-arrest, he admitted that he used two days before the altercation, as well as four days after. And he said that he once burned his hands trying to make meth. He made clear, however, that he had not used on August 25.

Given this drug history, Dr. Griswold waited to see whether his symptoms would dissipate. In the meantime, staff assessed him for withdrawal. He displayed no withdrawal symptoms. Yet, a week later, he still "wasn't doing very well." He continued having delusions, paranoia, and auditory hallucinations.

About two weeks after arrest, Dr. Griswold placed him on antipsychotic medication. This time, she saw a "definite[]" improvement. But paranoid delusions—a particularly treatment-resistant schizophrenia symptom—still cropped up. After observing Mr. Cuadrado for six months, Dr. Griswold officially diagnosed him with schizophrenia.

She ruled out substance-induced psychosis. She noted that Mr. Cuadrado was enrolled in drug treatment, and while it is not impossible to obtain drugs in custody, she saw no signs of drug use.

D. The parties disagreed about whether Mr. Cuadrado had schizophrenia and whether he was intoxicated, but because circuit precedent precluded diminished capacity defenses, he bore the burden to prove insanity.

In court, Mr. Cuadrado moved in limine to present a diminished capacity defense based on his new diagnosis. But the request was denied because Ninth Circuit precedent holds that 18 U.S.C. § 111 is a general intent crime, precluding diminished capacity. *See United States v. Jim*, 865 F.2d 211, 215 (9th Cir. 1989). Mr. Cuadrado therefore notified that government that he would instead raise an insanity defense to the assault charge. Both sides hired experts.

The defense hired Dr. Jeff Victoroff. Dr. Victoroff interviewed Mr. Cuadrado's mom about the long history of hallucinations and delusions. He listened to Mr. Cuadrado describe his work-related delusions, and he observed that that account gelled with comments Mr. Cuadrado had made to his mother, to coworkers, and in workplace complaints. And he noted Mr. Cuadrado's continued symptoms in jail and improvement with medication. He, too, diagnosed Mr. Cuadrado with schizophrenia.

Dr. Victoroff did not think methamphetamine could explain these facts. Dr Victoroff noted that methamphetamine's effects last only while the person is acutely intoxicated. And meth has a half-life of no more than 15 hours, meaning that Mr. Cuadrado's usage two days before the altercation could not have impacted his behavior that day. Dr. Victoroff agreed that "really, really heavy user[s]" could have meth-induced brain damage. But heavy usage leaves other visible marks, like abnormal weight loss, age-inappropriate wrinkles, and "meth mouth" (rotting

teeth). Mr. Cuadrado did not have any of those markers. Finally, meth use could not explain why Mr. Cuadrado had experienced symptoms starting from age 12, when he likely wasn't using meth, and continuing through incarceration, when he also likely wasn't using. Schizophrenia could.

To rebut these diagnoses, the government hired Dr. Nicholas Badre.

Dr. Badre opined that Mr. Cuadrado did not have schizophrenia, but just used methamphetamine.

First, Dr. Badre did not trust Mr. Cuadrado's description of his schizophrenia symptoms. Though Dr. Victoroff opined that doctors can "[p]ractically never" discern visually whether someone is having schizophrenia symptoms, Dr. Badre claimed that he could. He said that while Mr. Cuadrado claimed to have auditory hallucinations during their interview, Dr. Badre could tell that that was not happening. Dr. Badre also opined that the results of an M-FAST test convinced him that, while not malingering, Mr. Cuadrado was still exaggerating his symptoms.

Second, Dr. Badre thought Mr. Cuadrado lied about his meth use. With others, Mr. Cuadrado had openly discussed using meth. But Dr. Badre claimed that during their interview, Mr. Cuadrado said he used meth only three times in his life—a sign, Dr. Badre said, that he minimized his usage. Furthermore, though Dr. Victoroff testified that the association between schizophrenia and violence is “just a medical fact,” Dr. Badre claimed that people with schizophrenia do not behave violently.

Finally, Dr. Badre thought that Mr. Cuadrado appreciated the wrongfulness of his actions. Dr. Badre stressed that Mr. Cuadrado threw away the box cutter and did not call the police to report the supervisors' attack. And he noted that, in any case, being followed and bugged isn't a good reason to stab someone.

In closing argument, the government stressed that the burden lay on Mr. Cuadrado to prove, by clear and convincing evidence, that he had a serious mental disease or defect that caused him to be unable to appreciate the nature and quality of his actions or the wrongfulness of his conduct. Based on the experts' difference of opinion, the government claimed that Mr. Cuadrado had not met his burden to show that schizophrenia, rather than methamphetamine use, caused the assault. The government also pointed to Dr. Badre's conclusion that Mr. Cuadrado's delusions did not prevent him from appreciating that his actions were wrong.

The jury convicted Mr. Cuadrado. At sentencing, the judge presiding over the trial found that Mr. Cuadrado did have schizophrenia. "I don't think there is any question that [Mr. Cuadrado] was schizophrenic," the court said. "There is no question in my mind—and I don't even think the government contests—that he was, and is, suffering from schizophrenia."

On appeal, Mr. Cuadrado preserved for further review the claim that 18 U.S.C. § 111 defines a specific intent crime. The Ninth Circuit affirmed, citing *Jim*. This petition follows.

REASONS FOR GRANTING THE PETITION

This Court should grant certiorari in this case for three reasons.

First, the circuits have split on the question presented: whether assault on a federal officer under 18 U.S.C. § 111 constitutes a specific- or general-intent crime. The First, Fifth, and Tenth Circuits have held that assault on a federal officer is a specific-intent crime, to which a defendant may raise a diminished capacity defense. The Sixth, Ninth, and D.C. Circuits have held that assault on a federal officer is a general-intent crime, precluding diminished capacity defenses. The Seventh and Eighth Circuit have issued conflicting opinions on the matter.

Now is the time to resolve this split. The split has been entrenched for decades, and the matter has sufficiently percolated in the lower courts. Furthermore, the courts' disagreement flows largely from a difference of opinion about how to read one of this Court's precedents, *United States v. Feola*, 420 U.S. 671 (1975). This Court should clarify the matter to bring uniformity and ensure compliance with this Court's prior rulings.

Second, this case is the right vehicle to resolve the proper interpretation of § 111. Mr. Cuadrado preserved this issue at every appropriate juncture. And its resolution could well make a dispositive difference in his case. Because of the Ninth Circuit's general-intent interpretation of § 111, Mr. Cuadrado bore the burden to meet the demanding federal insanity standard. It was especially difficult to do so in his case after the government accused him of using methamphetamine before the assault. But in a specific-intent circuit, Mr. Cuadrado could have raised diminished capacity. The government would then bear the burden; there would be no need to

meet the demanding federal insanity standard; and either voluntary intoxication or a mental defect could be used to nullify specific intent.

Third, the Ninth Circuit is wrong. Section 111 defines a specific-intent crime. *Feola* interpreted § 111 to “require . . . an intent to assault.” 420 U.S. at 684. That holding is in keeping with the common law definition of assault, which requires specific intent. And even if one accepts the dubious proposition that legislative history can overcome the ordinary meaning of the word “assault,” there is no evidence that Congress intended to define a general intent crime.

This Court should therefore grant certiorari and reverse.

I. The circuits disagree about whether assault on a federal officer is a specific- or general-intent crime.

Section 111 criminalizes “forcibly assault[ing] . . . [designated federal employees] while engaged in or on account of the performance of official duties.” 18 U.S.C. § 111(a). The statute provides for lesser penalties, “where the acts . . . constitute only simple assault,” and greater penalties, “where such acts involve physical contact with the victim of that assault or the intent to commit another felony.” *Id.* The circuits disagree about whether this statute defines a general- or specific-intent crime. The Ninth Circuit held in *Jim* that § 111 required only general intent. 865 F.2d at 213.

The analysis in *Jim* began by noting the Ninth Circuit’s uneven approach to determining whether an offense targets general or specific intent. “In some cases, [the court] looked only to the elements offense.” *Id.* at 213. But “[i]n others, the [c]ourt

considered . . . the purpose of the statute.” *Id.* at 213. *Jim* took these approaches in turn.

First, *Jim* looked at the statute’s text. Fundamentally, § 111 punishes “assault”—it just requires that the victim assaulted have certain characteristics. 18 U.S.C. § 111. In *United States v. Dupree*, the Ninth Circuit had interpreted the term “assault” in 18 U.S.C. § 113 to incorporate “the common law definition”: “a willful attempt to inflict injury upon the person of another, or by a threat to inflict injury upon the person of another which, when coupled with an apparent present ability, causes a reasonable apprehension of immediate bodily harm.” 544 F.2d 1050, 1051–52 (9th Cir. 1976). “Willful,” in turn, is a specific-intent mens rea: “The legal definition of the word ‘willful’ in the criminal context includes a specific intent to do an act forbidden by law.” *United States v. Drew*, 722 F.2d 551, 553 (9th Cir. 1983). Accordingly, “common law assault is a specific intent crime.” *United States v. Lamott*, 831 F.3d 1153, 1156 (9th Cir. 2016) (citing *Jim*, 865 F.2d at 213).

As *Jim* acknowledged, then, *Dupree*’s analysis suggested that the word “assault” in § 111 incorporated the common law definition, along with its specific intent mens rea. *Jim*, 865 F.2d at 213. Thus, “[w]ithout a congressional purpose analysis, § 111 appears to be a specific intent crime.” *Id.*

Jim then moved on to the second approach to parsing general and specific intent, plumbing congressional purpose. To guide this analysis, the court looked to this Court’s decision in *United States v. Feola*, 420 U.S. 671 (1975), which held that § 111 does not require that the assailant intend to assault a federal officer. *Feola*

started from the premise that § 111 has a dual purpose: “to protect both federal officers and federal functions.” *Id.* at 679. This Court reasoned that if § 111 were intended only to prevent defendants from obstructing federal functions, then it would make sense to punish only defendants who intended to be obstructive. *Id.* at 678.

But the statute was also meant to protect the federal officers themselves, providing a federal forum and an enhanced penalty whenever these officers found themselves on the receiving end of violence. *Id.* at 678–84. “From the days of prohibition to the days of the modern civil rights movement,” the Court noted, “the statutes federal agents have sworn to uphold and enforce have not always been popular in every corner of the Nation.” *Id.* at 684. By passing a federal assault statute, Congress ensured that assailants would come to justice even when the federal officer in question was performing an unpopular activity, which a hostile state government might not be willing to protect. *Id.* at 683–84. The Court therefore concluded that § 111 should let federal courts punish any assault on a federal officer, including when the official victim was, for example, working undercover. *Id.* at 684.

This holding “pose[d] no risk of unfairness to defendants,” because the assailant would “know[] from the very outset that his planned course of conduct is wrongful.” *Id.* at 685. After all, the statute already “require[d] . . . an intent to assault.” *Id.* at 684. The “concept of criminal intent d[id] not extend so far as to require that the actor understand not only the nature of his act but also its consequences for the choice of a judicial forum.” *Id.* Thus, the statute could not be construed as

“embodying an unexpressed requirement that an assailant be aware that his victim is a federal officer.” *Id.* at 684.

Jim extended *Feola* further, to eliminate specific intent from the statute altogether. Where *Feola* had relaxed the required scienter in order to advance the statute’s agent-protecting purpose, *Jim* relaxed the scienter requirement even more to advance the statute’s function-protecting purpose. 865 F.2d at 213–15. The Ninth Circuit had already interpreted two other statutes—one involving threats to the President, *Roy v. United States*, 416 F.2d 874, 878 (9th Cir. 1969), and the other implicating assaults on airline personnel, *United States v. Meeker*, 527 F.2d 12, 14 (9th Cir. 1975)—to target general intent. *Id.* In both cases, *Jim* reasoned, a general intent reading furthered Congress’s intent to avert interference with the victims’ functions: performing as President, in the former case, and safely completing a flight, in the latter. *Id.* at 213–214. Because *Feola* recognized that § 111, too, was meant to shield federal functions, *Jim* held that § 111 must also target general intent. *Id.* at 214.

In the final analysis, *Jim* determined that Congress’s purpose overcame the state’s text and common law background. *Id.* at 214–15. *Jim* therefore held that § 111 defined a general-intent crime.

Other courts of appeals have reached divergent conclusions. *United States v. Gustus*, 926 F.3d 1037, 1042 n.5 (8th Cir. 2019) (Kelly, J., concurring) (collecting cases). The Sixth and D.C. Circuits have adopted *Jim*’s general-intent approach in

published opinions. *See United States v. Kimes*, 246 F.3d 800, 808 (6th Cir. 2001); *United States v. Kleinbart*, 27 F.3d 586, 592 (D.C. Cir. 1994).

But the First, Fifth, and Tenth Circuit have treated the offense as a specific-intent crime. *See United States v. Simmonds*, 931 F.2d 685, 689 (10th Cir. 1991); *United States v. Taylor*, 680 F.2d 378, 381 (5th Cir. 1982); *United States v. Caruana*, 652 F.2d 220, 222–23 (1st Cir. 1981) (per curiam). And the Seventh and Eighth Circuits have issued conflicting opinions on the matter. *See United States v. Ricketts*, 146 F.3d 492, 497 (7th Cir. 1998) (recognizing intra-circuit conflict); *United States v. Oakie*, 12 F.3d 1436, 1443 (8th Cir. 1993) (same).

Courts that take the specific-intent approach read *Feola* differently from the way that the Ninth Circuit understood it in *Jim*. In these circuits, *Feola* means what it says. Because *Feola* interpreted the statute to “require[] . . . an intent to assault,” these courts have concluded that § 111 must be a specific intent crime. *See United States v. Manelli*, 667 F.2d 695, 696 (8th Cir. 1981); *United States v. Staggs*, 553 F.2d 1073, 1076 (7th Cir. 1977).

II. This circuit-splitting issue is ripe for review, and this case is the right vehicle to resolve this issue.

Resolving this circuit split is important for two reasons.

First, the circuit split is entrenched and has been for decades. Because the issue has finished percolating in the courts of appeals, now is the time for this Court to take action.

Second, the circuit split turns largely on divergent readings of one of this Court's precedents, *Feola*. Review is therefore necessary to ensure that the courts of appeals correctly understand and interpret this Court's precedents.

This case is a proper vehicle to carry out those goals. Mr. Cuadrado preserved this issue in the trial court and on appeal. And the question presented could well make a case-dispositive difference for Mr. Cuadrado. Because of *Jim*'s general-intent holding, Mr. Cuadrado could not point to diminished capacity to negate an element of the offense. But if this Court determined that § 111 defined a specific-intent crime, diminished capacity would be available to him.

That would strengthen his hand in three ways. First, the government, not he, would bear the burden. *United States v. Twine*, 853 F.2d 676, 678 (9th Cir. 1988); *United States v. Alvarez*, 755 F.2d 830, 842 (11th Cir. 1985).

Second, the parties' debate over whether methamphetamine or schizophrenia impaired Mr. Cuadrado's judgement would disappear. Either a mental defect or voluntary intoxication can form the basis for a diminished capacity defense. *Id.*; *United States v. Vela*, 624 F.3d 1148, 1154 (9th Cir. 2010); *United States v. Veach*, 455 F.3d 628, 631 (6th Cir. 2006); *United States v. Worrell*, 313 F.3d 867, 873 (4th Cir. 2002).

Third, Mr. Cuadrado would not have to meet the demanding federal insanity standard, which requires that the mental defect prevent one from appreciating the nature and quality or wrongfulness of the act. Instead, he would need only to show that his diminished capacity prevented him from being able to form the requisite

intent. Specifically, “the Government would have to prove that [Mr. Cuadrado] subjectively intended to put the federal officer in apprehension of bodily harm.” *Jim*, 865 F.2d at 212–13 (cleaned up). A reasonable jury could believe that Mr. Cuadrado acted with the intent not to harm the federal officer, but to escape past the supervisors to safety.

III. This Ninth Circuit is wrong to hold that § 111 defines a general, rather than specific, intent crime.

Finally, this Court should take this case because the Ninth Circuit was wrong. Section 111 defines a specific-intent crime.

There are three big problems with the reasoning in cases like *Jim*. *First*, they are contrary to *Feola*. *Feola* interpreted § 111 to “require . . . an intent to assault.” 420 U.S. at 684. That is a specific intent. It was only because of that protective intent requirement that the interpretation adopted in *Feola* “pose[d] no risk of unfairness to defendants”: The statute still “require[d] that the actor understand . . . the nature of his act.” *Id.* at 684–85.

Jim acknowledged this aspect of *Feola*, as well as the Seventh and Eighth Circuits’ (initial) conclusions that *Feola* mandated specific intent. *Jim*, 865 F.2d at 213. But it accused these circuits of adopting *Feola*’s reading “without analysis.” *Id.* When it comes to following this Court’s precedent, however, no analysis is required. That precedent is binding; lower courts lack the authority to analyze their way to a different outcome. *See State Oil Co. v. Khan*, 522 U.S. 3, 20 (1997) (“The Court of Appeals was correct in applying [*stare decisis*] despite disagreement with [prior Supreme Court precedent], for it is this Court’s prerogative alone to overrule one of

its precedents.”). And there is no reason for this Court to depart from the usual practice of *stare decisis*, either. Lower courts that decline to follow *Feola* have provided no “special justification—over and above the belief that the precedent was wrongly decided”—to disregard this Court’s initial interpretation. *Kimble v. Marvel Ent., LLC*, 576 U.S. 446, 456 (2015).

Second, *Jim*’s methodology—ignoring text and common law background in favor of congressional purpose—has become increasingly disfavored. Contemporary statutory interpretation turns on the notion that it is “ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed.” *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 79 (1998). In *Bostock v. Clayton County*, for example, this Court declined to look “beyond the statute’s text” to “the legislature’s purposes in enacting Title VII or certain expectations about its operation.” 590 U.S. 644 (2020). Even if “few in 1964 would have expected Title VII to apply to discrimination against homosexual and transgender persons,” the Court refused to “displace the plain meaning of the law in favor of something lying beyond it.” *Id.* at 673–76.

Likewise, this Court has repeatedly affirmed the “well-established rule of construction that where Congress uses terms that have accumulated settled meaning under the common law, a court must infer, unless the statute otherwise dictates, that Congress means to incorporate the established meaning of these terms.” *Neder v. United States*, 527 U.S. 1, 21 (1999) (cleaned up). In such circumstances, the common law meaning and the plain meaning are presumptively

the same. *See, e.g., Sekhar v. United States*, 570 U.S. 729, 733 (2013) (applying the common-law definition of “extortion” to a federal statute using that term); *Twitter, Inc. v. Taamneh*, 598 U.S. 471, 484 (2023) (same, for “aids and abets”); *United States v. Castleman*, 572 U.S. 157, 162 (2014) (same, for “force”). In other words, when “Congress transplants a common-law term, the ‘old soil’ comes with it.” *United States v. Hansen*, 599 U.S. 762, 778 (2023) (quoting *Taggart v. Lorenzen*, 587 U.S. 554, 560-61 (2019)).

Feola is not to the contrary. After considering Congress’s purpose, *Feola* declined to read into the statute an “unexpressed requirement” that the assailant have the intent to assault a federal officer. 420 U.S. at 684. It did not disregard the settled meaning of an *express* term like “assault” to advance Congress’s supposed will.

Thus, *Jim* should not have discarded the plain, common-law meaning of the term “assault,” with its specific-intent connotations, in favor of a free-wheeling meditation on Congress’s purpose.

Third, even if one accepts *Jim*’s methods, its conclusions do not bear any obvious relationship to its premises. *Feola* explained precisely why Congress’s purpose—to protect federal officers by providing a consistent federal forum for assault prosecutions—would be ill-served by adopting the defendant’s proposed reading of § 111: Federal officers, like undercovers, would then be at the mercy of sometimes-hostile states to punish their assailants, in contravention of Congress’s design. 420 U.S. at 683–84.

In contrast, *Jim* just asserted that interpreting § 111 to require general intent, rather than specific intent, served Congress’s purpose of protecting federal functions. 865 F.3d at 214–15. But *Jim* did not say why that would be. The implicit logic seemed to be that general intent is easier to prove than specific intent, so general intent allows more assailants to be apprehended and brought to justice. But by that reasoning, any crime could be transformed into a general intent crime in contravention of the statutory language. After all, one could always argue that making convictions easier will serve Congress’s purpose in punishing wrongdoers.

Feola, however, recognized that relaxing intent requirements does not inevitably align with the statutory purpose. Congress does not invariably intend to pass expansive statutes that sweep beyond the problem the law is meant to target. In fact, *Feola* observed that § 111’s role in preventing obstruction made it more “likely that Congress intended criminal liability to be imposed only when a person acted with the specific intent to impede enforcement activities.” 420 U.S. at 678. Only the statute’s second, officer-protecting goal overcame that reading. *Id.* at 678–84.

Here, “requir[ing] . . . an intent to assault”—as *Feola* demands—strikes the right balance. *Id.* at 684. It provides a consistent federal forum and enhanced penalty for assailants. But it limits liability to those who mean to harm officers and subvert federal functions, the twin goals of § 111. This Court should therefore grant the writ and reaffirm that § 111 is a specific-intent crime.

CONCLUSION

For these reasons, the Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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s/ Katie Hurrelbrink

KATIE HURRELBRINK

Federal Defenders of San Diego, Inc.

225 Broadway, Suite 900

San Diego, California 92101

Telephone: (619) 234-8467

Attorneys for Petitioner