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Melbourne Sex With Minors Defense Attorney

Cases involving sex with minors require the assistance of an attorney with special skill and finesse. As a prosecutor for the sex crimes division of the state attorney's office, for my last entire year in that office, I did only these types of cases. As a result, I became very skilled and experienced in working with these witnesses, and dealing with the special problems associated with these cases. When I became a private criminal defense attorney, I understood these cases from both sides, and am especially able to know the weaknesses of the State's cases, and therefore break them down. Because of my experience with the State, I have handled many of these sex cases as defense counsel. I have guided clients through many favorable resolutions of these cases.

The sad fact is that many child victims have been coached (especially if the case arises in the middle of a divorce, as many do). In defending these cases, I use cutting-edge psychological research on child interview techniques and on the unreliability of child witnesses.

Florida's "statutory rape" law provides:

- A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, "sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose.
- The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743.
- The victim's prior sexual conduct is not a relevant issue in a prosecution under this section.
- If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61.

DEFINITIONS -- As used in this section:

- "Sexual activity" means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

- "Consent" means intelligent, knowing, and voluntary consent, and does not include submission by coercion.
- "Coercion" means the use of exploitation, bribes, threats of force, or intimidation to gain cooperation or compliance.
- "Victim" means a person upon whom an offense described in this section was committed or attempted or a person who has reported a violation of this section to a law enforcement officer.

PROHIBITED DEFENSES -- Neither the victim's lack of chastity nor the victim's consent is a defense to the crimes proscribed by this section.

IGNORANCE OR BELIEF OF VICTIM'S AGE -- The perpetrator's ignorance of the victim's age, the victim's misrepresentation of his or her age, or the perpetrator's bona fide belief of the victim's age cannot be raised as a defense in a prosecution under this section.

LEWD OR LASCIVIOUS BATTERY -- A person who:

- Engages in sexual activity with a person 12 years of age or older but less than 16 years of age; or
- Encourages, forces, or entices any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity commits lewd or lascivious battery, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

LEWD OR LASCIVIOUS MOLESTATION --

- A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.

- An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony, punishable as provided in s. 775.082
- An offender less than 18 years of age who commits lewd or lascivious molestation against a victim less than 12 years of age; or
- An offender 18 years of age or older who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- An offender less than 18 years of age who commits lewd or lascivious molestation against a victim 12 years of age or older but less than 16 years of age commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

LEWD OR LASCIVIOUS CONDUCT --

A person who:

- Intentionally touches a person under 16 years of age in a lewd or lascivious manner; or
- Solicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct.
- An offender 18 years of age or older who commits lewd or lascivious conduct commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- An offender less than 18 years of age who commits lewd or lascivious conduct commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.