

BRANDED FOR LIFE: SEX OFFENDER

BRANDED

from page 9

She held no responsibility at all for lying, for pursuing my son, for sneaking out of her house to be with him or for being a willing participant in what they did together. There was never any doubt on anyone's part, including her parents, that she was not forced or coerced to do anything. The 'victim' made it very clear that she willingly participated, but her version of the incident was not admissible in court."

In spite of the girl's admission of willful participation in the relationship, her parents were the ones who filed charges against the young man.

Fillingame added that the two of them did not actually have intercourse, but participated in petting, touching and exploring.

She said that the family caught another curve ball when the attorney they chose to help them explained that the only course of action was to accept a plea bargain. Tony was already judged guilty and the law would be enforced. "The way the law is written is the problem," said Fillingame. "It now says that the girl has no authority to consent to any contact, so if a boy touches her, even if she is willing, acts as the aggressor, or initiates the contact, it doesn't matter. The 'perpetrator' is a criminal and will be punished."

Tony accepted a plea bargain of eight years probation for his actions. He registered as a sex offender, which he would have done for the rest of his life, had he lived. Postcards are mailed to the community to alert residents that a sex offender lives among them. Tony could not live at home with his family because of a younger sister. He could not be around anyone younger than 18. He could no longer attend Christmas, Easter or birthday celebrations for family members. He couldn't go on family vacations because of his sister. Any prospective employer had to be notified of his sexual offender status.

Fillingame said, "With all the ways lives are affected after charges are filed, and the judicial process unfolds, the worst thing is often seeing a normal, outgoing, healthy son, in the prime of his life, begin to change. The depression, the loss of self-worth and the confusion they face daily tears at a parent's heart."

Fillingame has since joined the efforts of three mothers in the Houston area who formed Save Our TexSONS, an organization whose primary goal is to educate Texas parents and young men and women about the law.

"Under current Texas law, what was formerly called 'statutory rape' is now called 'sexual assault of a child,' and is punishable by two to 20 years in prison and a lifetime as a registered sex offender," said a

founding member of Save Our TexSONS. "It even sounds worse," she said. "It lumps these teenage boys into the same category as pedophiles and child molesters who use force, intimidation and coercion to harm their victims."

She added, "Even when deferred adjudication is offered and accepted, the lifetime registration requirement remains in effect after the probationary period has been successfully completed. This is, effectively, an automatic life sentence that can have devastating effects, not only on the life of the young man who must register, but on his friends and family as well."

The goals of Save Our TexSONS are threefold. The organizers would like to see any young man accused of a sex crime be allowed to offer a defense. "Right now," said the spokesperson, "There is none. The way the laws are written today, if the 'child' is more than 36 months younger than the 'perpetrator,' there is no defense and conviction is automatic. The law leaves no room for mitigating circumstances such as the alleged victim's past sexual history, her willingness to participate or, as in many cases we see, the misrepresentation of her age. A 14- or 15-year-old girl can look a lot older today than they did when I was that age. Some have fake IDs that are quite good."

The second goal is to see lifetime registration for a sex offender involved in a consensual teenage relationship eliminated. Save Our TexSONS would also like to see these changes in the law grandfathered to include all those young men who have been required to register as sex offenders because of teenage consensual teenage encounters. "We want the law to undo the injustice it has done."

The spokesperson said that Save Our TexSONS is not about leniency or reducing the accountability for date rape, sexual assault, molestation, violence or force. "It is about consensual sexual relationships where the girl is often the aggressor, but the young man is given all the responsibility for their actions. We want to be very clear here," said the spokesperson with a great deal of passion. "We are not advocating for all sexual offenders. We are only speaking of the consensual sexual acts and we are certainly not encouraging teens to go out and be sexually active."

"It is just so very important that these teens and their parents understand the legal consequences of their actions."

Another concerned mom, who spoke only if her real name was not used because of ongoing legal matters, said, "You really can't imagine what it does to a family unless you have experienced it. One day your world is normal. Every member of the family is going about doing nor-

mal things and with one phone call or a knock on the door, everything that you know as normal changes."

She went on to say that her children were reared in a good household, did things right, lived comfortably in a two-parent home, and were not allowed to go out without supervision and time limits. One month after her son, whom we will identify as Ray, turned 18, a friend, Bryan, not his real name, introduced him to a former girlfriend. "Judy" claimed to be 17 and since Bryan had dated and slept with her, Ray automatically assumed that she was as old as she said she was. "Not only did Judy claim to be 17, she could have passed for older," said Ray's mother. "At Judy's instigation, they had consensual sex. She then had sex again with Bryan. It wasn't until Ray was arrested in college a year later and charged with sexual assault of a child, that Ray found out that Judy was really only 14, has a long history of running away and appears to have serious problems at home."

What was supposed to be a night out suddenly became a nightmare for Ray and his family.

Ray was an honor student in high school, a mentor for small children, did volunteer work and held a part-time job. In 2002, he enrolled in a prestigious Texas university and was on the dean's list. He continued to do volunteer work in college. He met a girl in his class during first semester and has been in a committed relationship ever since.

Ray's family was among the blessed. They were able to hire a well-known defense attorney in his hometown and paid him in excess of \$20,000. They were shocked when they were advised that if the case went to trial based on Section 22.011 and 21.11 of the Texas Penal Code, and if the jury followed the law, Ray would be found guilty before the first word was spoken. Ray could be sentenced to 20 years in prison for an encounter that Judy suggested. "Remember," said the mother, "Judy paid for the hotel, had sex with her former boyfriend and lied about her age. Judy stated on the record that the two had consensual sex. No one denied these statements."

Ray was offered and accepted deferred adjudication, or a plea bargain arrangement, with the prosecutor's office. He was forced to transfer to a college in his hometown and break an apartment lease. He cannot come home to enjoy family gatherings because of his siblings and the fact that the family home is across the street from a playground and a pool. He can have no contact with children or teens. He will be on probation and watched very carefully for five years, but his mother says the most heartbreaking aspect is that

he will be listed as a sexual predator for the rest of his life. "Ray was 19 at the time of the conviction and because he was not in a long-term relationship of two years or more, preferably cohabiting, he is considered by the court a high risk or level three offender." He must remain in the county where he was convicted for five years and cannot even visit extended family members because he has nieces and nephews under 17.

Ray must also submit to DNA testing, pay fines and court costs totaling over \$1,000, report to a probation officer twice each month and pay monthly fees of \$50. He is also subject to random alcohol and drug testing as well as polygraphs. He must attend weekly group therapy sessions for sex offenders, a group of primarily middle-aged and older men who tend to like young children and share nothing in common with Ray. He cannot use the Internet for his college studies, has to register as a sex offender at school and cannot attend any of his school's extracurricular activities for fear that someone 17 or younger may also be in attendance. Ray is no longer involved with volunteer work because he is busy picking up trash along roadsides and in parks to fulfill his 300-hour community service requirement.

What happened to Judy, the girl who allegedly instigated the sex? Nothing. Not so much as a slap on the wrist. In fact, according to Ray's mother, less than one month after Ray's arrest, Judy propositioned another of Ray's friends, also over 18, for a " threesome " with herself and a girlfriend, who was also under the age of 17. "These meetings are being arranged in a teen chat room on the Internet to which Judy still has access. Now at the ripe old age of 15, Judy still has two more years before she reaches the legal age of consent. How many more young men's lives will she ruin?" asked Ray's mom.

Had Judy been 12 months older, or Ray been a month younger, none of these facts would matter. Judy's actions and testimony had no bearing whatsoever on the case. Ray's guilt was based entirely on their respective ages at the time. "We must educate the public, both the parents and the young men," said Ray's mom with tears running down her face.

Save Our TexSONS can be reached at Webmaster@saveourson.com or by mail addressed to Save Our TexSONS, Post Office Box 800802, Houston, Texas 77280.

Brenda Cannon Stancil can be reached at 409-832-1400, ext. 227 or at bstancil@theexaminer.com.

LETTERS

from page 10

Dear Editor,

I hope the information (on Jacob Wetterling Federal Sex Offender Registration Legislation) can be of some help to you in your other segments. No disrespect intended to the victims listed, but (name omitted) was allowed to go unsupervised in her neighborhood for hours at a time, which does not excuse the crime, and Jacob Wetterling was never found.

My point here is how can they say a sex offense occurred when there is no proof?

This legislation needs to be challenged and will be, I believe, in the near future.

**A Concerned Parent
(with experience in this area)**

Dear Mr. Dodd,
Praise God!

Thank you for having the courage to finally educate your readership on the grave injustice that has been served on so many young men who have been branded as sex offenders for having teenage consensual sex. I first heard about this absurd law when the son of my dear friend and co-worker, Tana Fillingame, was convicted of this crime. He was a mere child of 17 himself when he had sexual contact with a girl three-plus years younger than he (unknown to him at the time). My heart wept when I heard of the humiliation and pain this young man was forced to endure for what our State called a sex crime. He was treated with the same contempt as a pedophile — for having consensual teenage sex. While I certainly do not condone teenage sex, I certainly would not consider it a crime, much less a crime worthy of being branded a sex offender for life.

I believe through the courage, hard work and perseverance of people like Tana Fillingame and her friends at Save Our TexSONS, this unjust law will be changed. But in order to get the law changed, they must educate the public on what is happening to these young men, and I praise your newspaper for getting the story out to all of us.

Brenda Stancil did an awesome job presenting the stories of these young men and their families and I appreciate her touch of compassion in handling this very difficult and hurtful subject. I am looking forward to reading the next two stories in her series.

On another note about the fine employees of your newspaper, I would like to tell you what a blessing Chad Cooper, your Sports Editor, has been to my husband and me. My husband is Jim Barton of The Friday Night Experiment and Hoopsider.com. I have had the pleasure of getting to know Chad through his association with my husband, and I am so impressed with his professionalism, his hard work and his very pleasant personality. Your newspaper has a fine asset in this young man, and I see a bright and promising future for him. But I have to know — does Chad live at The Examiner offices? He is always working. How fortunate you are to have such a dedicated and loyal employee.

Again, thank you for your article and your fine employees — Chad Cooper and Brenda Stancil.

God bless,

Pam Barton, Beaumont

See LETTERS on page 12