

A Brief Overview of Sexual Assault

The offense of sexual assault is a very serious criminal charge that can include several different illegal acts, such as the sexual assault of a child, indecency with a child, or the sexual exploitation and enticement of a minor. If you are convicted of sexual assault in Texas, the penalty will typically include a prison sentence and require that you register as a sexual offender for the rest of your life. Life as you know it will never be the same if you are required to register. That said, if you are charged with sexual assault, you would be wise to seek the services of a knowledgeable San Antonio criminal defense attorney to assist you with your case.

More specifically, Texas' Penal Code states that a person is guilty of sexual assault if he or she knowingly or intentionally causes the penetration of the anus or sexual organ of another without the consent of that person; causes the penetration of a sexual organ into another's mouth without consent; or causes the sexual organ of another person to contact or penetrate the mouth, anus, or sexual organ of another. The Code section also applies to children who are under the age of 17 and not married to the actor.

It should be noted that a sexual assault has occurred "without consent" if the actor forces the other person to participate by use of physical force, violence, or threats that the person believes can be carried out by the actor; if the actor knows the other person is unconscious or physically unable to resist; if the actor knows the other person suffers from a mental disease or defect that renders the person incapable of resisting it; or if the other person has not consented and the actor is aware that the other person does not know that a sexual assault is taking place.

A sexual assault offense under the Code is generally a second degree felony; however, if the victim was a person whom the actor was prohibited from marrying or living with, the offense is a felony in the first degree. If you have been charged with the offense of sexual assault, please contact San Antonio criminal defense attorney Mario Del Prado for a free consultation.