

What is Lewd or Lascivious Battery?

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Of all the sex crimes committed, sexual battery and sexual molestation are the most widely reported. It is rare to see cases of lewd or lascivious battery in the news. However, this week's case involves a former Vero Beach Police Officer and lewd and lascivious battery.

What is Lewd or Lascivious Battery?

According to Florida law, lewd or lascivious battery is when a person 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.

This crime is a felony of the second degree.

The Crime

According to WPTV News, the lewd or lascivious battery charges against a former Vero Beach Police officer and Indian River County Sheriff's deputy are not the first time he has faces such allegations against children, according to court documents.

James H. Scharfschwerdt, 53, of St. Augustine was arrested Wednesday morning in St. Johns County and charged with three counts of lewd or lascivious battery on a child. He continued to be held Thursday morning in lieu of \$1.5 million bail at the St. Johns County Jail.

Indian River County court records show Scharfschwerdt in the fall of 1988 was charged with more than a dozen counts of lewd or lascivious acts against a child and battery. He was Vero Beach Police officer then, but promptly suspended after the arrest.

However, in November 1990 a jury found him not guilty of three counts of felony lewd or lascivious acts against a child and one count of misdemeanor battery, court records show.

His next trial on two other lewd or lascivious charges was to start in December 1990, but he entered a plea

agreement with the State Attorney's Office on Nov. 29, 1990.

The plea agreement allowed him to plea no contest to misdemeanor battery in exchange for the state to drop nine felony counts of lewd or lascivious acts against a child. Further details about why the agreement was reached were not immediately available. The judge accepted the plea agreement and sentenced him to one year of supervised probation.

Criminal Defense

If you have ever been [charged with a sex related crime](#), even if it is lewd lascivious battery charges, your only chances at a fair trial would be to consult a [criminal defense lawyer](#). A [criminal defense lawyer](#) can help you build a case, which can be difficult because you cannot use ignorance of the child's age as a defense.

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