

Is Text Messaging Sexual Pictures to Minors a Felony?

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According to an article in WPTV News, a 42-year-old band teacher from Allapattah Flats K-8 was arrested Wednesday. He is accused of sending photos of his genitalia from his cell phone to a 14-year-old females student of his.

What happened

Police served a search warrant at Dennis A. Mulder's home Tuesday in an attempt to find the photos, where they were taken, and the cell phone they were taken with. Mulder's cell phone was immediately seized and the background of the lewd pictures matched certain areas of Mulder's home.

His [charge is two felony counts](#) of transmission of material harmful to minor by electronic equipment.

There were text messages exchanged between Mulder and the 14-year-old victim that may raise some eyebrows. Mulder sent the girl a text messages reading "Secret: It took all I could not to grab you & kiss you today" and "Desire for you is getting stronger."

The three picture messages received on the victim's phone from Mulder (featuring male genitalia) had been deleted, but the victim's mother and the cell phone provider teamed up to retrieve deleted information.

The girl told police she and Mulder were "just good friends," according to WPTV News, but also said he sent her picture messages of his penis and her intentions to inform him they would only be friends. Mulder told police his relationship with the victim was "only of a teacher to student."

Police retrieved about 100 texts between Mulder's phone and hers.

Mulder is in his fourth year with the school district. This is his first year as a band teacher at Allapattah Flats K-8. Before that he was a band teacher at Fort Pierce Central High School. He was held Thursday in the St. Lucie County jail on \$50,000 bail, and is expected to be administratively re-assigned to be away from students pending the probe's outcome.

The crime

This crime falls under the chapter of obscenity. Florida statute 847.0138 describes this crime as

“Transmission of material harmful to minors to a minor by electronic device or equipment.”

This charge can only be used against the defendant if the defendant was fully aware that the victim was a minor, and deliberately transmitted the material via an electronic device. This is a third degree felony. A [criminal defense lawyer](#) will tell you how this felony charge will most likely result in a long time behind bars and some hefty fines.

If you have ever been charged with a crime against a minor (sex offense or anything else), you need a [criminal defense lawyer](#) to help you build your defense and have a fair trial.

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