

# Too young for sex, but old enough to murder

written by Sandy | January 23, 2018



By Sandy . . . He is 18. She is 14. The age of consent in New Mexico is 16.

He was a cheerleading coach at Hatch Valley High School; most likely, at his age, an assistant or a volunteer. She is a cheerleader.

They were caught in an automobile engaged in sexual activity.

She said she participated in the activity of her own free will and that, in spite of having known him for some time, this was her first time.

He was arrested and charged with criminal sexual penetration.

Did he commit a crime? Yes.

Should he work in a school setting? Almost certainly not, at

least not for the foreseeable future.

Should he face criminal charges? A strong argument can be made for no.

What will be the outcome if he is convicted of the criminal charges? He will be given a sentence, possibly probated. He will be required to register on the New Mexico sex offender registry. His potential future productivity and contribution as a citizen will drop to a fraction of what it would otherwise have been. His opportunities for a college education and a corresponding standard of living will be virtually erased.

What circumstances would justify his not being criminally charged? Issues of his being in a position of authority aside, they are peers. New Mexico's close-in-age defense sets four years as being the cut-off, and they are right at that borderline. The sexual interest of an 18-year old, heterosexual male in a 14-year old female has no element of perversion or predation about it.

Would removing him from the opportunity of being in a school setting serve the desired preventive goal without pursuing criminal charges and putting him on the sex offender registry? Yes.

One last question, or rather questions, designed for future deliberation:

If the young lady had murdered him and stolen his car, would she be considered of insufficient age to be held responsible for making such a decision, incapable of understanding the consequences, and not held liable? Or would she, in accordance with New Mexico law, most likely be charged as an adult and arrested for murder and theft and tried and punished as an adult? What is the rationale that decides a person of 14 or 15 is fully capable of making a decision to commit an unnatural and antisocial act such as killing another person but is

totally incapable of making a decision to commit a natural act such as having sex?

And finally, how high on the scale of hypocrisy does the rationale that leads to such thinking fall?