

# The Washington Post

## Teen Sex Videos Don't Warrant Criminal Charges, Defense Attorneys Say

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Students from West Springfield High School who have been charged with child pornography acted inappropriately by darting into rooms at parties and using cellphones to take shaky videos of teens engaged in consensual sex acts, one of the boys' attorneys said Tuesday.

Although the lawyer, Rodney G. Leffler, acknowledged that the behavior was stupid and hurtful, he argued that they do not warrant the criminal charges that have been filed. Two 16-year-olds and one 15-year-old have been charged as part of a widening sex scandal at the Fairfax County school.

The girls in the videos all eventually learned they were being filmed, and one is seen topless, speaking directly into the camera in one video, the lawyer said. After the fact, the three students traded the clips among themselves, but they never distributed them widely, he said.

"It's an unfortunate mix of teenage libido, alcohol and video. It's nothing more than that," Leffler said.

Experts called the case a cautionary tale. Teenagers regularly use technology and are becoming increasingly comfortable sharing even the most intimate details of their lives on social media such as Instagram and Twitter. When mixed with alcohol and parties, the experts said, the teens often engage in damaging behavior.

Defense attorneys for the three teens gave their first accounts Tuesday of the case, which they say has been blown out of proportion by rampant rumors in the popular online forum Fairfax Underground and by some local news outlets that have echoed salacious gossip. All say their clients have pleaded not guilty in the case.

Attorneys Mark Petrovich and Gretchen Taylor went so far as to call their two clients "victims" of a hothouse media atmosphere. Leffler declined to sign onto the statement they released.

Leffler said the 10 videos at the heart of the case were shot over 11 months beginning in December 2011. The teens made the videos at house parties at their parents' homes and at the homes of the teenage girls. One video was made in a car in a parking lot, he said.

The defense attorneys said the sex was consensual in all of the videos and that none of the girls was drugged or using drugs. Petrovich and Taylor said there were no "tapes" made or distributed and there was no "ring" of "child exploitation," as one local television station characterized the case. Leffler said he would ask for a retraction of that story.

The West Springfield students were arrested Jan. 11 at the school and charged with possessing and distributing child pornography, police said. Six female juveniles were victims in the case and all of them knew the boys, police said.

A Fairfax County school official who spoke on condition of anonymity because she was not authorized to talk publicly offered a different account. She said the teenage victims were not aware they were being recorded during the sex acts. The official said the girls attended West Springfield, Robinson Secondary and Lake Braddock Secondary schools.

Police said the investigation began Nov. 29 after someone alerted a school resource officer at West Springfield that an alleged crime had occurred. Petrovich and Taylor said the police probe was triggered by a false tip.

"The police investigation in this case was launched based on information provided by a third-party juvenile who admitted to providing completely fabricated information based on a personal agenda," the attorneys said in the statement. "That juvenile has provided to the police a statement establishing that fact."

The attorneys did not elaborate on that claim in their five-paragraph statement, and Petrovich declined to give additional details in a follow-up interview.

"It is disappointing that nameless, faceless, anonymous and uninformed bloggers can somehow convert false and unsubstantiated rumors into a mainstream story irresponsibly promulgated by the media," the attorneys wrote in their statement.

Petrovich and Taylor declined to give their clients' version of what happened. Fairfax County police declined to comment on the version of events or other claims made by the defense attorneys.

Experts said such cases illustrate the pitfalls of technology in the hands of inexperienced teens.

“It is certainly true that technology has made bad decisions both easier to do and easier to share,” said Bill Albert, chief program officer for the National Campaign to Prevent Teen and Unplanned Pregnancy. “Teens do understand that a photo might be leaked, . . . but it is this classic teenage cloak of invincibility, the ‘it won’t happen to me’ defense.”

Albert said that a 2009 survey by his organization found that about one-quarter of respondents admitted that technology makes them personally more forward and aggressive. Social media and the Internet has only made the broadcast of such poor judgment more public.

“We have to acknowledge the obvious, which is that the line between public behavior and private behavior is an increasingly blurry one,” Albert said.