



# The Age of Consent: When Young Love Is a Sex Crime

**Man Labeled a Sex Offender for Consensual Sex With Girlfriend, Then 15, Now His Wife**

**By JOHN STOSSEL, GENA BINKLEY and ANDREW G. SULLIVAN**

**March 7, 2008—**

*This "20/20" story original aired on March 7. Tune in Friday, July 18 for John Stossel's special hour on "Sex in America."*

Twelve years ago, Frank Rodriguez pleaded guilty to sexually assaulting a child.

Faced with two to 20 years in prison on the charge, he signed a plea bargain that gave him seven years probation. He was told he must never be near children. That meant he couldn't be any place where children gather, like playgrounds or parks, which made it tough to find work.

"They literally just break you down to nothing," Rodriguez said. "They tell me I can't do this, I can't do this, you know. It gets real bad."

Rodriguez completed his seven years' probation without another violation, but he will forever be on the Texas sex offender registry. And what was the nature of the sex crime he committed? Well, when he was 19, Frank had sex with his 15 year-old girlfriend, Nikki Prescott, at her suggestion.

"It was my idea," she said. "I would say I pushed it more."

Nikki, now 27, was a freshman in high school at the time. Frank, now 30, was a senior. She says the relationship was not at all unusual at their high school.

"All my friends were having sex, all of them," Nikki said. "All my friends, you know, were dating older guys."

## **'I Was Not Raped'**

Nikki's mom, Melissa Wiederhald, knew her daughter was intimate with Rodriguez, and at one point even took Nikki to Planned Parenthood to get her birth control pills. She didn't like what the couple were doing, though, and she thought their relationship was getting too serious. One night, after an especially bad fight with Nikki, in a fit of anger, Nikki's mom made a fateful decision.

"I said, 'This is it,'" Wiederhald recalled. "I said, 'We're going to the police station.' I said, 'I've had it.'"

Wiederhald went to the police station because she knew that it was illegal for Rodriguez and her

daughter to be having sex. The age of consent in Texas is 17, and Nikki wasn't quite 16. Wiederhald didn't think that Rodriguez was violating Nikki, but she felt she had no other way to make a point to her teenage daughter. "She thought you go down, you file charges, slap on the wrist," said Prescott, "Ha, ha, taught you a lesson."

The police interrogated Nikki. She wrote a statement explaining that the sex between she and Rodriguez was consensual, but it didn't matter because at her age, having sex with a 19-year-old constituted sexual assault. The officers told her that she needed to have a rape examination.

"The doctor came in and started asking me all these questions," Nikki said. "And, you know, I just kept telling him over and over, 'I was not raped.' I was just so mad because I wasn't raped."

The next morning, Nikki's mom realized the mistake that she had made by going to the police. She tried to drop the charges, but the officers told her it wasn't possible.

"They just told me at that point that there was nothing that I could do about it," Wiederhald said. "They could prosecute or do whatever they wanted to at this point with the evidence."

When Rodriguez went to court to face the charges, his court-appointed attorney told him that he had two bad choices: plead guilty and do seven years of probation, or fight it and risk a sentence of two to 20 years in prison. Rodriguez felt he had no choice but to plead guilty.

"That's my girlfriend, you know," Rodriguez said, "I'm guilty. How am I gonna deny that?"

### **Paying the Price**

Frank took the plea bargain, which kept him out of prison, but it gave him a different kind of life sentence: as a registered sex offender. His name and personal information is on the Web, visible to everyone, on the same list with people like [Wesley Wayne Miller](#), who murdered a high school cheerleader, and [Larry Don McQuay](#), who molested more than 200 children.

As a term of his probation, Rodriguez was ordered to stay away from anyone under the age of 17. This meant that he had to move away from his family, because his 12-year-old sister lived at home and he was not permitted to be near even her. He moved into a mobile home, where he lived by himself. Rodriguez was also ordered to go to sex offender rehabilitation classes, where he sat with men in their forties and fifties as they described horrible stories about their crimes against children and their deviant sexual impulses. "Some of these guys were the real deal," Rodriguez recalled.

And above all, Rodriguez was ordered to stay away from his underage victim, Nikki.

"They told me, if I were to see her, run. Run the opposite way," Rodriguez remembers. "I wasn't able to see her, they told me, until she was seventeen."

The very day Nikki turned 17 she moved in with Frank. They lived together, and a few years later, got married. They now have four young daughters, but marrying didn't change Rodriguez's legal situation. While he was on probation, he couldn't take the kids to parks and playgrounds because other children were there. He was told he'd have to get special permission to pick his own kids from day care.

Texas Senator Dan Patrick defends the tough law that labels Rodriguez a sex offender. "While it seems unfair, he was 19, she was 15," says Patrick, "That's the price you pay. Even if you end up getting

married."

### **'It Just Breaks My Heart'**

Still, Rodriguez is different from the child molesters and serial rapists that he's listed alongside on the Texas Sex Offender Registry. When he and his wife are an elderly couple, [Rodriguez](#) will still be listed on this registry as a man who victimized a 15-year-old child.

Patrick agrees that Rodriguez is different from the more serious offenders on the list, but says "we are a country of laws, and that's the law."

As a father, Rodriguez understands that these laws are meant to protect young kids. "I understand what they're doing. I mean, I have four little girls," he said.

Still, he thinks the law shouldn't cast such a wide net, especially when it comes to young couples in love. "It's been a nightmare," he said. "There's gotta be another way around it."

And Nikki's mother regrets going to the police. "If I would have known that the seriousness of what I was doing I would not have filed charges," she said. "I love Frank and he is good to my grandbabies and he is good to my daughter, and it just breaks my heart that for the rest of his life he's gonna be labeled a sex offender."

Copyright © 2008 ABC News Internet Ventures