THE DANGERS OF 'SEXTING'

When teens send each other racy photos on their cell phones, prosecutors respond with threats of child porn charges

On a typical day Ben Hunt and his best friend John Eicher, both 14, send each other about a dozen routine text messages. But on Jan. 15, while at school, Hunt sent Eicher something on his cell phone that suddenly put their futures in peril: a photo of a girl in their class exposing a breast. Eicher didn't see it as a big deal. "I really didn't think of deleting it," says Eicher, an eighth grader who at the time attended the Lawrence School in Falmouth, Mass., with Hunt. "I was, like, 'Whatever.'"

But school officials, alerted to the photo by two students, sprang into action. They seized Hunt's phone, and the police arrived. It turned out

"I was a nervous wreck," Ben Hunt (left, with John Eicher) says of getting caught sexting, in a case that generated much media attention (right).

Father: 'Boys have learned their lesson'

Students in 'sexting' incident face criminal charges

By MATTHEW M. BURKE

FALMOUTH

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Youths face porn charges for 'sexting' pictures

Middle school students are accused of distributing a photo of a nude female classmate via cell phones.

By AARON GOUVEIA

FALMOUTH – Six middle school students could face child pornography charges after snapping a photo of a nude female classmate and distributing it through their cell phones, a practice known as "sexting" according to police.

The group of six boys, ages 12 to 14, were not arrested, police said, but will be summoned to Falmouth District Court. The charges vary depending on the individual but include possessing or exhibiting a photograph of a child in a sexual act, distributing material of a child in a sexual act, and possession of child pornography – all felony charges.

On Jan. 15, police said they were contacted by Paul Fay, principal of the Lawrence School, after he discovered a photograph of a naked 13-year-old girl on the cell phones of six male students. Police said the cell phones were confiscated immediately, and they do not believe the picture was sent elsewhere or posted on the Internet.

One of the boys allegedly took the photo of his 13-year-old girlfriend with his cell phone, then sent it to friends electronically, police said.

Falmouth police spent weeks investigating the b

A hearing to deter whether the boys will be c has not yet been sche

SEE PHOTO,

Photograph by NATHANIEL WELSH

the photo had been taken by another male student of his 13-year-old girlfriend, who had allegedly posed for the shot. The fact that both boys had received the picture unsolicited, and that Eicher had done nothing more than open the file, didn't matter. To the shock of the boys and their families, authorities initially said they were weighing whether to charge the teens and four other boys who had received the photo with trafficking in child pornography, meaning they could face jail time and having to register as sex offenders. "What they did was wrong, but did they know it was wrong?" asks Ben's father, Brian, who owns a limousine service. "These are 14-year-old kids with 14-year-old minds, not adults."

They are not the only ones swept up in a controversial wave of cases involving what is called "sexting," the transmitting of nude or seminude photos via cell phones. A recent national survey found that one in five teens have sent or posted provocative photos of themselves. And schools are getting wind of such photos and alerting police. Rick Trunfio, first chief assistant district attorney in Onondaga County, N.Y., says authorities can scarcely keep up. "It's happening frequently," says Trunfio.

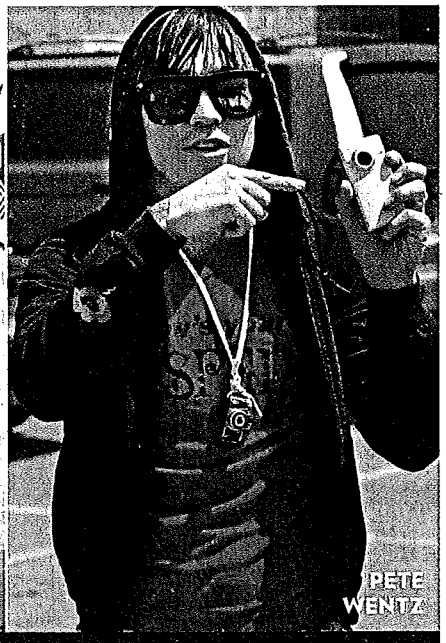
Clearly there are some sexting cases—those in which adults are transmitting the images to other pedophiles, for instance—that do constitute child pornography. Nor is there any doubt that sexting among teens can sometimes have serious consequences (see box). The question is whether the pornography laws were ever intended to target young teens. In one case in October in Greensburg, Pa., officials at the high school seized a phone from a student and discovered a nude photo of a female classmate on it. Police brought child pornography charges against six students. At least five of the students have agreed to probation for misdemeanor charges. "This is a matter between parents and kids," says the teens' public defender Dante Bertani. "The kids don't have any clue this is a criminal offense. To charge some 13- or 14-year-old with child pornography is total insanity."

Prosecutors argue that though they may have reservations about such cases, they are duty bound to uphold the law—which generally holds that any nude or seminude photo of a person under 18 constitutes child pornography. And parents find themselves in a quandary as well. "They're freaked out on both sides—they're clueless and don't understand that their kids are just as likely to take these pictures as the kids down the street," says attorney Parry Aftab, founder of WiredSafety.org. "It's a question of the law catching up with a wrong—but very common—practice among kids."

On March 6 Hunt and Eicher were informed that no charges would be filed if the boys stayed out of trouble until August. But even that bit of good news didn't fully alleviate their bewilderment. "I feel badly," says Eicher. "I wish it had never happened."

By Bill Hewitt. Anne Driscoll in Falmouth

VANESSA HUDGENS



PETE WENTZ

RED-FACED STARS
Celebs have also learned the hard way about the perils of racy pictures. In 2007 a nude photo of *High School Musical* star Vanessa Hudgens, which she had reportedly e-mailed to Nickelodeon actor Drake Bell, showed up on the Internet. In 2006 Fall Out Boy Pete Wentz had frontal shots of himself that appeared on the Web. "At the time I wanted to find a cave and hang out there for the rest of my life," he told *Elle* magazine.

ANOTHER CASE ENDS IN TRAGEDY

Sexting can pose more than legal dangers. Last year Jessie Logan (left), 18, a senior at Sycamore High School outside Cincinnati, took a nude photo of herself and sent it to a boy she was seeing. She learned that the photo was being circulated at four area schools. Other kids began taunting her as a "whore." Once a popular, upbeat student, Jessie felt humiliated. On July 3 she hanged herself. "She was vivacious, funny, loving," says her mother, Cynthia, who, with husband Albert, is now working with the nonprofit WiredSafety.org to create programs to teach kids the dangers of sexting and cyberbullying. "They destroyed her."

CLOCKWISE FROM TOP LEFT: GAZ SHIRLEY/PACIFIC COAST NEWS; FRIOLO/IBANEZ/NATIONAL PHOTO GROUP; COURTESY LOGAN FAMILY