

# FLORIDA LAW WEEKLY SEX CRIMES EDITION BY DENNIS NICEWANDER

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Torgerson v. State, 32 Fla. L. Weekly D1834 (Fla. 4<sup>th</sup> DCA 2007):

Statute of limitations in effect at time defendant allegedly committed offenses were applicable, in trial for lewd or lascivious battery on a person between 12 and 16 and sexual battery, such that, because the victim was under 16 years of age, limitations period began to run when victim reached 16 or when crime was reported to law enforcement agency.

Discussion: On May 18, 2005, the state charged the defendant with lewd battery and sexual battery occurring between the dates of January 1, 2001 and August 14, 2001. The victim turned 16 on August 15, 2001. The State erroneously applied the statute of limitations that went into effect on October 1, 2001, which indicated the limitations did not begin to run until the victim's 18<sup>th</sup> birthday. Because the date range charged terminated before October 1, 2001, the State should have relied on the previous version of the statute that indicated the limitations period began running on the child's 16<sup>th</sup> birthday.