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[\(https://www.nealdavislaw.com/\)](https://www.nealdavislaw.com/)

CALL 24/7
(713) 322-8276
(tel:7133228276)

How to Refute a False Sex Crime Charge

The Neal Davis Law Firm has helped many clients in Houston and throughout Southeast Texas get their charges reduced or even dismissed after false allegations of a sex crime

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If you've been [falsely accused of a sex crime \(/criminal-defense-guides/falsely-accused-sex-crime/\)](#) and charged with a criminal offense, you may be wondering how to appeal a false sex crime charge. If so, you've come to the right place.

Continue reading to learn what you should do, what you shouldn't do, and when to contact an attorney to help fight the charge levied against you.



What You Should Do First

First, if you've already been charged with a sex crime — even when falsely accused — you should notify an [experienced sex crime defense lawyer \(/sex-crime-lawyer/\)](#) immediately.



Don't worry:

Getting a lawyer doesn't mean you're admitting guilt. If anything, engaging a skilled sex crime attorney shows you mean business, and that you intend to defend your legal rights against a false allegation.

Your attorney can investigate the charge and determine where it's vulnerable to scrutiny. Perhaps the story of the accuser has inconsistencies. Or, it's possible that the evidence is minimal beyond a simple "he said, she said" claim.



If the sex crime charge is based on a false accusation or incorrect information, your attorney can find compelling ways to [challenge and refute \(/criminal-defense-guides/fight-back-false-sex-assault-claim/\)](/criminal-defense-guides/fight-back-false-sex-assault-claim/) that charge.

In doing so, your lawyer may get the charge dismissed entirely. You may never even have to go to court if your attorney can negotiate to get the charge dropped by prosecutors, perhaps due to insufficient evidence.

Again, consulting a knowledgeable attorney is vital. You should do so immediately when facing a sex crime charge.

What You Should NOT Do

Some things you should avoid doing when facing a false sex crime charge include:

- **Speaking to or confronting your accuser.** This may be used against you if you seem to be accosting your accuser in a threatening manner. Contacting your accuser will likely only make things worse.
- **Representing yourself in legal proceedings.** You're unlikely to grasp the complexities and significance of the legal process you face. You should hire an experienced lawyer to handle your case.
- **Talking to police.** Don't make any statements to police about the alleged sex crime with which you are charged until you've consulted an attorney. Law enforcement officers may try to get you to say things which they know they can use against you later in a legal proceeding. Don't give them ammunition for such an attack. Say nothing, [plead the fifth \(/criminal-defense/law-defendants-rights/\)](/criminal-defense/law-defendants-rights/), and consult an attorney.
- **Venting your frustrations on social media.** Sure, you're upset about being falsely accused of a sex crime. But you shouldn't air or vent such frustrations on social



media for all the world to see — including prosecutors who may find some way to use such posts against you.

Read More: [How NOT to Respond to a False Sex Crime Allegation \(/criminal-defense-guides/false-allegation-mistakes/\)](/criminal-defense-guides/false-allegation-mistakes/).

Why Were You Falsely Accused?

As for *why* you were falsely accused of a sex crime, the reasons can vary depending on the individual circumstances of your case. It may be hard to imagine why someone would lie by saying you committed a sex crime when you didn't, but many things can account for it.

Among them are:

- **False identification.** Your accuser may have mistaken you for another person who did, in fact, [commit a rape \(/criminal-defense-guides/rape-accusation/\)](/criminal-defense-guides/rape-accusation/), sexual assault or some other sex crime. This often is the case when intoxication is involved in the incident.
- **Shame.** Your accuser may be ashamed to have had a sexual relationship with you and therefore blamed it on sexual assault, even when that didn't occur. Young girls, in particular, may deny accountability for sexual activity by claiming it was forced upon them. Persons caught in an extramarital affair also may claim that the sexual activity was forced, even though they were willing participants and consented to the act.
- **Revenge.** Your accuser may have a grudge against you based on aspects of your relationship which have nothing to do with sexual activity. One way to exact revenge upon you is to claim you were guilty of a sex crime.



- **Children's motives.** A child — perhaps a stepchild — may want you out of their house. They could claim you were guilty of a sex crime in order to achieve this.

Read More: [Why Do People Make False Sex Abuse Allegations? \(/criminal-defense-guides/false-sex-allegation-motives/\)](/criminal-defense-guides/false-sex-allegation-motives/)

Your defense lawyer can counter such false claims of a sex crime by showing there is insufficient evidence to convict you beyond a reasonable doubt, or showing that the alleged sexual assault actually involved the consent of the accuser.

Whatever the case, you must take it seriously when falsely accused of a sex crime. Such a charge is unlikely to “clear up” simply because you know you’re innocent.

Sex Crime Charges Are Serious

Especially with the rush to judgment spurred by today's [#MeToo movement \(/blog/sex-crimes/false-sex-accusations-rising/\)](/blog/sex-crimes/false-sex-accusations-rising/), men are often considered guilty by the public simply based on a claim or accusation. This trend has undermined the importance of established facts and due process of law, for which there should be an inherent [presumption of innocence \(/blog/sex-crimes/presumption-of-innocence/\)](/blog/sex-crimes/presumption-of-innocence/).

Indeed, Texas law provides for a presumption of innocence by placing a [burden of proof \(https://statutes.capitol.texas.gov/Docs/PE/htm/PE.2.htm\)](https://statutes.capitol.texas.gov/Docs/PE/htm/PE.2.htm) on prosecutors in such criminal cases.



The precautions we note here are important, because sex crime charges in Texas are serious. Texas laws on sex crimes carry many severe punishments, such as prison time of 10 to 20 years and fines of \$10,000, depending on the charge.

Texas [penalties for sex crimes involving children \(/criminal-defense-guides/child-sex-offense-consequences/\)](/criminal-defense-guides/child-sex-offense-consequences/) are especially harsh. From child molestation to sexual assault of a child, the charge can put you in prison for many years. And even upon release, you may have to register as a known sex offender, thus limiting your employment prospects or even your choice of where to live.

If you've been accused of a sex crime in Texas, contact us today at the Neal Davis Law Firm. We have years of experience helping falsely accused Texans get the justice they deserve by clearing their name and getting sex crime [charges dropped or dismissed \(/criminal-defense-guides/criminal-charges-dropped-dismissed/\)](/criminal-defense-guides/criminal-charges-dropped-dismissed/).

We'll provide you with a **confidential legal review** of your case, explaining how you can appeal or refute a false charge. Then, you can decide how you wish to proceed. And if that means engaging a skilled sex crime lawyer, we can provide one for you. Contact us today and let's get started.





Child sex offenses: Houston sex crime defense (/e- book/child-sex- offenses/)

(/e-book/child-sex-offenses/)

Learn all about the legal process and your legal rights.

[Learn more \(/e-book/child-sex-offenses/\)](#)

Request your FREE Consultation

Are you currently bailed out?

Yes No

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Address

1545 Heights Blvd., Suite 700
Houston, TX 77008

Call 24/7

(713) 322-8276 (tel:713-322-8276)

Office Hours

Monday – Saturday
8:00 am to 6:00 pm
Sunday: Closed



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Experienced Criminal Defense Law Firm in Texas

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Fort Bend County: Sugar Land, Richmond, Needville, Cinco Ranch

Galveston County (/galveston-criminal-defense-attorney/)

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