

RAPE

Date · Spousal · Statutory Serial Rapist · Raping Charges

SEX OFFENSES

As unpopular as sex offenses and alleged sex crimes are in society, individuals accused of sex crimes have the same rights as any other criminal defendant. These rights include the right to a jury trial, the right to cross-examine witnesses, the right against self-incrimination, and the right to produce evidence.

Sex offenses include all types of sexual activities ranging from the serious crime of *rape*, usually defined as sexual penetration without consent, to the less serious crime of prostitution, usually described sex for hire.

Generally, sexual assaults include unwanted physical contact with a sexual organ. Physical contact is unwanted if the victim "says no," physically objects, or was not able to give consent due to mental incapacitation.

It is not required to show that the victim physically objected. If you are accused of any sexual offense it is important that you seek the services of a criminal defense attorney with experience in these type of cases.

TYPES OF RAPE

- **Statutory rape** is a sexual act with a minor under the legal age of 18. Statutory rape charges are brought up by the parents of the victim, but in California they can be raised by the state. Charges can be brought against you if you impregnate a girl under the age of 18 even if the girl consents to the sexual act.
- **Date rape** is a forcible sexual act between people that know each other during a social engagement. The fact that the engagement was voluntary and that the parties knew each other is not a defense for this type of charge.
- **Spousal rape** occurs when one spouse forces the other spouse to have sex with out their consent.

RAPE STATISTICS

- Every two minutes, someone in this country is sexually assaulted.
- 70% of rapes involve alcohol or drugs.
- More than 66% of sexual assault victims know their attacker. Among college women, the number is much higher.

MISDEMEANOR OR FELONY

Most sexual assault crimes are felonies. Lesser offenses are charged as a misdemeanor. Punishment for sexual assault crimes are charged with jail, community service, counseling, probation/parole, and lifetime sex offender registration. Multiple conviction of sexual assaults lead to increasingly greater punishment. The decision whether to charge a person with a misdemeanor or felony rests with the prosecutor. A criminal defense attorney if contacted early enough in the investigation may be able to minimize the charges that you face. A skilled criminal defense attorney may be able to help out with these charges.

DEFENSES

Many sexual assault acts have no witnesses therefore, sexual assaults are regularly prosecuted even if the evidence appears weak or the accuser lacks credibility. Defense to sexual assault cases include consent, insufficient evidence, and mistaken identity. If you are accused of being involved in a sexual assault offense you should speak to an attorney immediately to learn more about your rights, defense, and the legal system.

WHY YOU NEED AN ATTORNEY

The Law Offices of Jerry Nicholson can help you if you are charged with a sexual crime by:

- Arranging for bail, bail reduction, or for being released on your promise to return and appear in court
- Understanding the possible penalties and likely outcome of the case
- Hiring an investigator to interview witnesses and gather evidence favorable to your case
- Negotiating with the prosecutor for a reduction of the charges and sentence
- Presenting the best legal defense for your case and challenge the prosecutor to prove its case
- Seeking alternative sentencing programs such as house arrest (electronic monitoring), residential treatment, counseling, and informal probation
- Having a rape charge is a very scary and disheartening experience for any person to endure. A rape charge will negatively affect all aspects of an accused person's life and may result in the loss of employment, strain on a marriage or relationship, and the destruction of a good reputation within the community. As you can see there is a lot at stake, which is why it is in your best interest to choose a skilled attorney to defend you in a rape case.