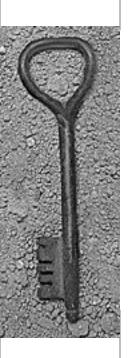


## Attempt: Actus Reus Tests

- ◆ Last Step (Eagleton). No longer used
- **♦** Proximity
- ◆ Intent + Overt Act (Williams)
- ♦ Res Ipsa Loquitur/Unequivocal (The Act speaks for itself)
- ♦ MPC/Substantial Step (conduct that is strongly corroborative of the defendant's criminal purpose)

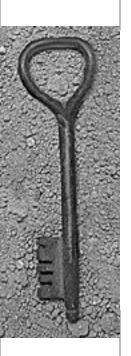


## Common Law Definition of Rape

♦ Carnal knowledge by a man of a woman (not his wife) forcibly and against her will.

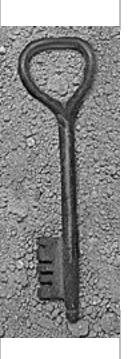
♦ Consent? Mens Rea

♦ Force? Actus Reus



## Restrictions on Prosecution

- ♦ Resistance Requirement.
- ◆ Corroboration Requirement.
- ♦ Victim's prior sexual history.
  - Prior consensual sex between the V & D.
  - Prior consensual sex between the V & others.
  - V's reputation for promiscuousness.
- ♦ Fresh complaints.
- ♦ Cautionary Instruction.
- ♦ Marital exception.



## Rusk

- ♦ 21 judges (including trial judge) reviewed the sufficiency of the evidence
  - 10 concluded that Rusk was guilty, 11 concluded that he was not guilty.
- ♦ Elements of crime
  - Intercourse,
  - By force or threat of force,
  - Against the will, and
  - Without the consent of the other person.