

Essay about legal issues

[Law](#), [Common Law](#)



There is no other crime as heinous as the crime of forcible rape. The very thought of forcing one to perform sexually against his or her own will is deplorable. Unfortunately, in the United States (U. S.), someone is raped every two minutes (RAINN, 2010). The traumatic experience of being raped inhibits some victims from reporting the crime to the local authorities. Victims have been conditioned to expect the worst if the case actually goes to trial. Without reporting the crime, the sexual predator is free to roam the streets and re-offend whenever the urge hits.

Rarely is the crime of rape about sex, but rather it involves the psychological distortion of having control over another human being. Courtrooms across the U. S. have been taking the necessary measures to ensure the privacy, protection, and emotional stability of the victim in order to secure that justice is rendered. In June of 2001, a young woman was sleeping in her bed with her young daughter in the next room. At approximately 1: 00 a. m. , her home was broken into by an in-law and she was brutally raped repeatedly.

To make matters worse, the young woman was three months pregnant with her unborn son. The attacker left, at or around 4: 00 a. m. , the young woman sat motionless in the floor of her room trying to conceive what had just transpired. Her young daughter awoke around 7: 00 a. m. , to which she snapped out of her daze, retrieved her young daughter, and immediately called the police. What transpired after this atrocious chain of events is of great importance to anyone who has been sexually assaulted. The prosecutor opened the case with a summation of the aforementioned events.

The trial began in September 2001 following the Grand Jury indictment in August of the same year. The prosecutor compared the defendant's behavior

to that of a ravaging animal meticulously seeking out its prey. The victim was present, but the prosecutor and the victim's advocate kept her LEGAL ISSUES 3 segregated in another area of the courthouse to avoid any emotional or physical upset that could be detrimental to her or her unborn child.

The defense opened with a statement referencing the defendant's prior knowledge of the victim and cited that he felt that there was a mutual attraction between him and the alleged victim. He then added that what had occurred was not rape, but rather a sexual encounter to which the victim later felt remorse and guilt for it having happened. The prosecution called several witnesses including the doctor who had examined and performed a rape kit on the victim following the rape. The doctor concurred that the victim had several vaginal tears which were consistent with the victim resisting her attacker.

He further stated that the victim was bleeding vaginally causing much concern due to the fact that she was pregnant. Bleeding vaginally in this instance could have been caused by the amount of force used during the attack, but the doctor concluded that the utmost concern at that moment was whether or not the victim experiencing a miscarriage. The prosecution also called the victim to the stand. The victim's voice seemed shaky and quiet. She was tearful throughout much of her testimony. The prosecution asked the victim to please explain to the court what happened on the night she was attacked.

Through tears and sobs she managed to recount the events of that night. Finally, the prosecution asked the victim if she could identify her attacker.

The victim then pointed to the defendant. The defense attorney cross-examined the victim, but he did not cross the medical expert. He asked the victim if she knew the defendant. The victim stated that she did know him because he was her husband's uncle. The defense then asked the victim where her husband was on the night of the attack, and she stated that he was working the midnight shift at the steel mill.

His shifts were also noted to be twelve hour shifts. The defense insinuated that there was an emotional LEGAL ISSUES 4 relationship between the victim and the defendant, but the victim stated that if there were an emotional relationship, then it was only in the mind of the defendant. The defense concluded that he was finished examining the witness, and she was excused from the courtroom. The defense then rested without calling the defendant to testify on his own behalf.

During closing arguments, the prosecution made reference to the defendant's prior criminal record of sexual assault. The defense objected, but the judge overruled the objection. The prosecutor again stated that the defendant's behavior was barbaric and inhumane. He pleaded to the jury to find the defendant guilty in order to protect society as a whole. The defense closed by stating that the entire incident was that of a woman of got caught up in the throes of passion but then later felt guilty as she was a married woman. He stated that his client was not guilty of raping the victim, but rather guilty of adultery if anything.

Both sides then rested. The judge instructed the jury as to how and what they were to rule upon. Within two hours, the jury returned because the defendant had chosen to change his plea from not guilty to guilty. The

prosecutor agreed and the judge decided to hear the plea bargain. In exchange for the defendant pleading guilty, the court sentenced the defendant to 37 years in the state's maximum security prison, but the state suspended 10 of the 37 years. Following the defendant's release, he would immediately register as a sex offender and would be on supervised probation for the following 10 years.

The judge further ordered that the defendant would never be allowed to have any contact of any kind with the victim, her family, her children, or any subsequent children born to the victim. This plea bargain allowed the defendant to avoid the possibility of having to serve between 40-60 years in prison. LEGAL ISSUES 5 Some may feel that the defendant got off fairly easy, but at least he was forced to pay his debt to society.

This case can be referenced in Commonwealth of Virginia v. Benjamin Clyde Newman (2001). The victim continues to struggle with psychological issues resulting from the attack even today. Her young daughter has no memory of anything, and her unborn son was born perfectly healthy. She and her husband have since divorced, but the victim has moved on. She completed her undergraduate degree in Pre-Law and is now attending Duke School of Law. Her hope is to one day be a prosecutor. References RAINN. (2010). Sexual assault numbers. Retrieved from <http://www.rainn.org/statistics>