

Ala. Code 1975, § 13A-6-65.1(a)(1)

**Sexual Torture
(Forcible Compulsion)**

The defendant is charged with sexual torture.

A person commits the crime of sexual torture if he/she penetrates the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant penetrated the vagina or anus or mouth of another person, **[Insert Victim's name]**, with an inanimate object **[Describe]**;
- (2) The defendant did so by forcible compulsion; **(AND)**
- (3) The defendant did so with the intent to sexually torture or to sexually abuse.

Forcible compulsion is physical force that overcomes earnest resistance, or a threat, express or implied, that places a person in fear of immediate death or serious physical injury to himself/herself or another person. [13A-6-60(8)]

Serious physical injury is physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ. [13A-1-2(14)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of sexual torture, then you shall find the defendant guilty of sexual torture.

If you find that the State has failed to prove any one or more of the elements of the offense of sexual torture, then you cannot find the defendant guilty of sexual torture.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 9-2-15.]