

**Ala. Code 1975, § 13A-6-65.1(a)(3)**

**Sexual Torture**  
**(Victim Less Than 12)**

The defendant is charged with sexual torture.

A person commits the crime of sexual torture if he/she, being 16 years or older, penetrates with an inanimate object the vagina or anus or mouth of another person who is less than 12 years old 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 was 16 years old or older;
- (3) **[Insert Victim's name]** was less than 12 years old; **(AND)**
- (4) The defendant did so with the intent to sexually torture or to sexually abuse.

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)]

Consent is no defense to a prosecution for this offense. [13A-6-70(c)(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.]