**MCM #122: Fact Pattern**

The accused and the complainant have been in an intimate relationship for 2yrs. They live together along with the complainant’s 4 yr old child from another relationship. Neither the accused or the complainant has a criminal record or a history with the local police force.

The complainant went to the emergency room for treatment for a cut to her lip which required 2 stitches. While being treated for the injury she told the doctor that she the accused caused the injury after striking her in the face. The doctor recommended that the complainant report the incident to the police. She agreed and police were called to the hospital.

The complainant disclosed that the accused struck her in the face as she was resisting the accused’s sexual advances. After striking her in the face, she stopped protesting and he penetrated her vagina with his penis. She did not consent to the sexual activity.

Police charge the accused with sexual assault causing bodily harm. You are the Prosecutor on this matter.

In you review of the file you note the following:

1. In the victim’s R7 provided at the hospital there is no mention of any sexual activity. The R7 was written while she was at the hospital and said: he was mad he hit me hard in the face and I started bleeding a lot and I figured I needed stitches so I came to the hospital.
2. The responding officer’s notes say: got hit in the face b/c didn’t want to have sex with him. After hit in the face agreed to sex. None of this is a direct quote from victim. She did not sign the notebook.
3. In the victim’s audio video statement, she says “he wanted to have sex. I said no. I just didn’t want to. He got mad. I told him to back off and he got pissed off and hit me in the face. It was hard. I was bleeding. I was scared. I just froze. I just wanted it to be over. I knew I couldn’t win. So, I just let him. I didn’t fight him. He did it and then my lip was still really bleeding, and I thought I’d need stitches, so I just left.”