

COA Opinion: Twenty-five year minimum sentence for statutory rape is not cruel or unusual punishment

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In *People v. Benton*, No. 296721, the Court of Appeals considered whether a 25-year mandatory minimum sentence for first-degree criminal sexual conduct constituted cruel or unusual punishment. The defendant, an elementary school teacher convicted of engaging in sexual intercourse with a 12-year-old student, argued that the mandatory minimum sentence for a statutory rape conviction prevented the court from considering mitigating factors and other particular circumstances of the offense. Most notably, the defendant wanted the court to be able to take into account her assertion that she never used force, violence, or coercion and her assertion that she did not physically or psychologically injure her victim. The Court of Appeals rejected the defendant's argument and concluded that Michigan's public policy goal was to prevent adults from engaging in sexual activities with pre-teens. Moreover, the Court of Appeals determined that the defendant's assertion that she was less culpable than most other sex offenders was unpersuasive, noting that the defendant used her position of power and authority to insinuate herself into her victim's life, isolate him in her home, and then engage in sexual activities with him. The court also noted that other states had similar minimum sentences for an adult offender's first offense against a pre-teen victim, regardless of any purported mitigating factors.

The Court of Appeals also rejected the argument that the trial court violated the defendant's constitutional rights by refusing to admit under the Rape Shield Act her victim's prior sexual experiences. The defendant claimed at trial that her victim's testimony about his inexperience with condoms created the untrue impression that her victim was sexually inexperienced. The defendant alleged that the trial court's refusal to admit evidence about the victim's past sexual experiences to contradict this impression violated her constitutional right of confrontation. The Court of Appeals rejected the defendant's argument, noting that while in limited situations a rape victim's past sexual history is admissible to preserve a defendant's constitutional right to confrontation, the victim in this case had never actually stated that he was sexually inexperienced.

The defendant also alleged that the trial court erred by permitting the prosecutor to cross-examine her concerning the results of the teacher tenure proceeding at which she was fired. Reviewing this issue for an abuse of discretion, the Court of Appeals found that the defendant's counsel had opened the door to the prosecutor's inquiry about the teacher tenure proceeding. The defendant also asserted that to the extent her counsel opened the door to the prosecutor's cross examination, counsel was ineffective. The Court of Appeals determined that the line of questioning was a matter of strategy and concluded that the court would not second-guess matters of trial strategy.