

The Prosecution

The Defendant, Herman Burks, was indicted for the crime of rape. Previewing its case against the Defendant, the prosecution argued that Burks approached Ms. Louella Miller in the foyer of her apartment building, a darkened hallway, put a gun in her back, and forced her to have sexual intercourse. The following day, Ms. Miller saw the defendant walking in the street. She called the police who apprehended Burks in a nearby liquor store. The State believes that the evidence will prove beyond a reasonable doubt that Herman Burks is guilty of rape.

The prosecution's key witness was the victim, Ms. Louella Miller. Miller testified that she lives on the second floor of an apartment building, toward the front entrance. The day of the alleged rape, she said she left her apartment to go to the grocery store. Once outside, she realized that she had left her purse in her apartment. As she went in, she noticed a man standing outside the building. He followed her, approached her from behind, stuck a handgun in her back, and ordered her to disrobe. At that point, the man reached up and unscrewed the light bulb hanging from the ceiling. She laid down on the hard floor, and he raped her.

The State next introduced a forensic expert who reported on lab tests conducted on hair found at the crime scene. These tests revealed that a brown strand of hair found in the foyer appeared to matched samples taken from Burks. Other test results were inconclusive.

The prosecution then cross-examined the Defendant, who took the stand. Burks claimed that he was at a party in the apartment of R.C. Brown, a neighbor of Ms. Miller's. Burks insisted that he left the party only once, to pick up Brown's girlfriend, but he could not absolutely "prove" his whereabouts for the entire day. When apprehended by the police, Burks said he did not know why he was being arrested.

After picking Herman Burks up at the liquor store, two police officers arrested him, read him his rights, and took him to the precinct for questioning. After a few minutes, Burks confessed. According to both officers, Burks said he was upset at the time, and had been drinking, and that he lost control when he spotted Ms. Miller. "I saw what I wanted, so I took it" is how he put it.

Based on the evidence stated above, the prosecution believes that Herman Burks is guilty of the rape of Louella Miller. Ms. Miller saw him close up. Also, hair samples found at the scene matched those taken from the Defendant -- who also happened to be in Ms. Miller's building at the time. In closing, the prosecution assures jurors that if they weigh the evidence carefully, they will be convinced beyond a reasonable doubt that Burks is guilty of rape.

The Defense

The defense pleads with jurors to keep an open mind because Burks is not guilty. He has alibis to confirm that he was at a party from 10 p.m. the previous night until 3 p.m. the day of the rape. This evidence alone casts substantial doubt that Burks was guilty.

The key witness was the Defendant, Herman Burks. Burks testified that on the day of the alleged rape, he was at a drinking party in the second floor apartment of R.C. Brown -- in the same building where Ms. Miller lives. He said he was drinking heavily and left the apartment only once, to get Brown's girlfriend, who returned to the party with him. Burks flatly denied ever having sex with Ms. Miller and testified that he never even owned or carried a gun. "Hey, I'm not the kind of person who would do this to another human being," he said. Mr. Brown confirmed that Burks was at his party, and in his apartment, while Ms. Miller was allegedly raped. When asked about his confession, Burks said that he was questioned for an hour the morning after R.C. Brown's party. He said he was in no condition to be interrogated, so he retracted his confession.

Finally, the defense cross-examined Ms. Miller. Miller testified that the bulbs in the foyer were only 25 watt bulbs, and the stairs leading up are in a corner, where the hallway is even darker. The perpetrator put a gun to her back, yet she claimed that in a dark part of the hallway, she was able to see him. Also on cross examination, Ms. Miller said that the man who raped her had not been drinking, as she smelled no alcohol on his breath. She also admitted that she had called Brown twice the night before, angry, to complain about the noise from his party. She had even threatened to call the police.

In closing, the defense argued Ms. Miller may have been raped, but that Herman Burks was not the man. She was in no position to make a clear identification, she smelled no alcohol on his breath, and Burks had an alibi for his whereabouts. Besides, had Burks raped Ms. Miller, he would not have returned to the crime scene the very next day. Finally, the defense noted that Burks is only 5'7" and would have had a very tough time unscrewing the lightbulb in the ceiling, which Miller's assailant did. The defense urged the jury to weigh the evidence carefully and find the Defendant not guilty.

Instructions to the Jury

Members of the jury. You have heard all the relevant facts in this case. The defendant has been charged with rape. Bear in mind, however, that he is presumed an innocent man and that the burden is on the prosecution to prove beyond a reasonable doubt that the defendant committed the crime. You will now retire to deliberate and arrive at a verdict.