CHAPTER TEN: CRIMINAL SEXUAL CONDUCT, ASSAULT AND BATTERY, KIDNAPPING, AND FALSE IMPRISONMENT

OVERVIEW OF RAPE LAWS IN ILLINOIS

Today, Illinois' Criminal Sexual Assault Statute is considered the national model. This statute broadly defines rape to include:

- Gender neutrality, broadening earlier definitions of rape to include men.
- Acts of sexual penetration other than vaginal penetration by a penis.
- Distinguishing sexual abuse by the degree of force or threat of force used. That is similar to the "aggravated vs. simple" distinction applied to physical assaults.
- Threats, as well as overt force, are recognized as means of overpowering victims.
- Taking advantage of an incapacitated victim. This includes mental illness, victims under the influence of drugs and alcohol. Some states require that perpetrators give victims intoxicants to obtain sexual access.)

In 2003, Illinois was also the first state to pass a law stating that an individual may withdraw consent any time during intercourse. Under the law, if someone says "no" at any time the other person must stop or it becomes rape.

Rape defendants may not question an accuser's sexual activities even if an out-of-court statement by the alleged victim raises questions about her credibility. According to the Illinois Supreme Court, 'What matters is whether the victim told the truth in her in-court testimony, and referring to prior bad acts in order to raise the inference that a witness is lying at trial is prohibited under Illinois law.' The state's rape shield law, adopted in 1978 and updated in 1994, prohibits testimony about a victim's sexual past unless it involves prior sex with the defendant or is "constitutionally required."

The punishment for sexual assault is a minimum fine of $25,000 and/or up to 30 years in prison for the first offense.

BASIC DEFINTIONS

Consent: A freely given agreement to the act of sexual conduct or sexual penetration in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.
720 ILCS 5/12-17 (a)

Withdrawal of Consent: A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.
720 ILCS 5/12-17 (c)

Family Member: Means a parent, grandparent, or child, whether by whole blood or half blood or adoption and includes a step-grandparent, step-parent or step-child. "Family Member" also means, where the victim is a child under 18 years of age, an accused who has resided in the household with such child continuously for at least one year.
720 ILCS 5/12-17 (c)

Force or threat of force: Means the use of force or violence, or the threat of force or violence, including but not limited to the following situations: The accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believed that the accused had the ability to execute that threat; or when the accused has overcome the victim by use of superior strength or size, physical restraint or physical confinement.
720 ILCS 5/12-17 (d)

ILLINOIS STATE STATUTE FOR SEXUAL ASSAULT
(720 ILCS 5/) Criminal Code of 1961
Article 12. Sexual Assault

(720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

Sec. 12-13. Criminal Sexual Assault.

(a) The accused commits criminal sexual assault if he or she:

(1) commits an act of sexual penetration by the use of force or threat of force; or

(2) commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or

(3) commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed and the accused was a family member; or

(4) commits an act of sexual penetration with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

(b) Sentence.

(1) Criminal sexual assault is a Class 1 felony.

(2) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of criminal sexual assault, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(3) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of criminal predatory sexual assault shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (3) to apply.

(4) A second or subsequent conviction for a violation of paragraph (a)(3) or (a)(4) or under any similar statute of this State or any other state for any offense involving criminal sexual assault that is substantially equivalent to or more serious than the sexual assault prohibited under paragraph (a)(3) or (a)(4) is a Class X felony.

(5) When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a Class X felony.

The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(Source: P.A. 90-396, eff. 1-1-98.)

(720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

Sec. 12-14. Aggravated Criminal Sexual Assault.

(a) The accused commits aggravated criminal sexual assault if he or she commits criminal sexual assault and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use, or used a dangerous weapon, other than a firearm, or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or

(2) the accused caused bodily harm, except as provided in subsection (a)(10), to the victim; or

(3) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or

(4) the criminal sexual assault was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or

(5) the victim was 60 years of age or over when the offense was committed; or

(6) the victim was a physically handicapped person;

or

(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance; or

(8) the accused was armed with a firearm; or

(9) the accused personally discharged a firearm during the commission of the offense; or

(10) the accused, during the commission of the offense, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) The accused commits aggravated criminal sexual assault if the accused was under 17 years of age and (i) commits an act of sexual penetration with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual penetration with a victim who was at least 9 years of age but under 13 years of age when the act was committed and the accused used force or threat of force to commit the act.

(c) The accused commits aggravated criminal sexual assault if he or she commits an act of sexual penetration with a victim who was a severely or profoundly mentally retarded person at the time the act was committed.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (2), (3), (4), (5), (6), or (7) of subsection (a) or in violation of subsection (b) or (c) is a Class X felony. A violation of subsection (a)(1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed

by the court. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court.

(2) A person who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502, eff. 12-19-01; 92-721, eff. 1-1-03.)

SEXUAL ASSAULT CASES IN ILLINOIS

Attempt to apply the statute/s to the following cases:

People v. Beasley, No. 1-97-3103: Defendant, Otis Beasley, was charged with aggravated criminal sexual assault (3 counts), criminal sexual assault (3 counts) and unlawful restraint. The first counts were predicated on the unlawful restraint charge. Following a jury trial he was convicted of criminal sexual assault and was sentenced to serve 30 years in the Illinois Department of Corrections. He now appeals, raising the following claims: (1) whether the trial court committed error in not admitting a medical report of the victim's treating physician under the past-recollection recorded hearsay exception; (2) whether the trial court committed error in not allowing the treating physician more time in order to refresh his recollection, or, alternatively, allowing the treating physician to be questioned as a hostile witness; (3) whether defendant was proven guilty by proof beyond a reasonable doubt; and (4) whether defendant's sentence is excessive.

The evidence at trial showed that the complainant was walking home from an Easter Sunday celebration with her friends on April 16, 1995, at approximately 8 p.m. She had several drinks at the party. Eventually she separated from the people with whom she was walking and encountered the defendant who greeted her and introduced himself as "Otis." According to the complainant, she talked with him briefly, said goodbye and then headed on her way. As she cut through an alley, defendant reappeared and dragged her into an alcove and up against the wall of a nearby building where he forced her to engage in oral, vaginal and anal intercourse. She begged him to stop. However, when she felt something sharp against her neck, she stopped resisting.

Diane Means, one of the State's witnesses who lived near the alcove where the defendant was arrested, testified that she was in her home resting at the time the complainant was walking home. She heard slapping sounds coming from outside and a woman screaming "please don't hurt me, don't hurt me." She looked out the window and decided that the situation required the police. She went to a neighbor's home where there was a telephone and instructed him to call for help.

Officer Andre Cureton testified that when he responded to a radio call in the area, he and other officers encountered a man who directed them to drive down an alley. Cureton there observed the

defendant hunched over the complainant making rocking motions "backwards and forwards." The complainant had her back to the defendant at this time and her dress was off her shoulder and over her head. The defendant attempted to pull up his pants and run from the scene, but was only able to move a short distance before being captured by other officers.
Cureton attended to the complainant who appeared bruised and upset and was bleeding from her lower lip. She was taken for treatment to a nearby hospital. While there, she told Cureton that she was bruised all over her back, her arms and her face and that her eye had been cut in the attack. Later, she told police that the defendant had taken her wallet from her bra during the attack. Eventually, she was examined, her finger was bandaged and she was released.

OVERVIEW OF STATUTORY RAPE IN ILLINOIS

Statutory rape consists of sexual intercourse with a male or female under statutory age; this offense may be either with or without the victim’s consent. A lack of consent can include the victim's inability to say "no" to intercourse, due to intoxication from drugs or alcohol. Although consent is a defense to a rape charge in Illinois, mistake as to the victim’s age is usually not a defense.
In Illinois, the age of consent is 17. However, Illinois law makes 18 the minimum age at which teachers and their students may legally have sex. Age 17 does not apply to teachers or any other school employee in a "position of authority" over the minor.

ILLINOIS STATE STATUTE FOR STATUTORY RAPE
(720 ILCS 5/) Criminal Code of 1961
Article 12. Predatory Sexual Assault of a Child

(720 ILCS 5/12-14.1)
Sec. 12-14.1. Predatory criminal sexual assault of a child.
(a) The accused commits predatory criminal sexual assault of a child if:
(1) the accused was 17 years of age or over and
commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or
(1.1) the accused was 17 years of age or over and,
while armed with a firearm, commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or
(1.2) the accused was 17 years of age or over and
commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and, during the commission of the offense, the accused personally discharged a firearm; or
(2) the accused was 17 years of age or over and
commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused caused great bodily harm to the victim that:
(A) resulted in permanent disability; or
(B) was life threatening; or
(3) the accused was 17 years of age or over and
commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.
(b) Sentence.

(1) A person convicted of a violation of subsection (a)(1) commits a Class X felony. A person convicted of a violation of subsection (a)(1.1) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(1.2) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(2) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment.

(1.1) A person convicted of a violation of subsection (a)(3) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years.

(1.2) A person convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment.

(2) A person who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16, eff. 6-28-01.)

STATUTORY RAPE CASE IN ILLINOIS

Attempt to apply the statute/s to the following cases:

Miller v. Pate **386 U.S. 1 (1967)** On November 26, 1955, in Canton, Illinois, an eight-year-old girl died as the result of a brutal sexual attack. The petitioner was charged with her murder. Prior to his trial in an Illinois court, his counsel filed a motion for an order permitting a scientific inspection of the physical evidence the prosecution intended to introduce. The motion was resisted by the prosecution and denied by the court. The jury trial ended in a verdict of guilty and a sentence of death. On appeal the judgment was affirmed by the Supreme Court of Illinois. On the basis of leads developed at a subsequent unsuccessful state clemency hearing, the petitioner applied to a federal district court for a writ of habeas corpus. After a hearing, the court granted the writ and ordered the petitioner's release or prompt retrial. The Court of Appeals reversed, and we granted certiorari to consider whether the trial that led to the petitioner's conviction was constitutionally valid. We have concluded that it was not.

There were no eyewitnesses to the brutal crime which the petitioner was charged with perpetrating. A vital component of the case against him was a pair of men's underwear shorts covered with large, dark, reddish-brown stains--People's Exhibit 3 in the trial record. These shorts had been found by a Canton policeman in a place known as the Van Buren Flats three days after the murder. The Van Buren Flats were about a mile from the scene of the crime. It was the

prosecution's theory that the petitioner had been wearing these shorts when he committed the murder, and that he had afterwards removed and discarded them at the Van Buren Flats.
During the presentation of the prosecution's case, People's Exhibit 3 was variously described by witnesses in such terms as the "bloody shorts" and "a pair of jockey shorts stained with blood." Early in the trial the victim's mother testified that her daughter "had type 'A' positive blood." Evidence was later introduced to show that the petitioner's blood "was of group 'O.' "
Against this background the jury heard the testimony of a chemist for the State Bureau of Crime Identification. The prosecution established his qualifications as an expert, whose "duties include blood identification, grouping and typing both dry and fresh stains," and who had "made approximately one thousand blood typing analyses while at the State Bureau." His crucial testimony was as follows:
I examined and tested "People's Exhibit 3" to determine the nature of the staining material upon it. The result of the first test was that this material upon the shorts is blood. I made a second examination which disclosed that the blood is of human origin. I made a further examination which disclosed that the blood is of group "A."
The petitioner, testifying in his own behalf, denied that he had ever owned or worn the shorts in evidence as People's Exhibit 3. He himself referred to the shorts as having "dried blood on them."
In argument to the jury the prosecutor made the most of People's Exhibit 3:
Those shorts were found in the Van Buren Flats, with blood. What type blood? Not "O" blood as the defendant has, but "A"--type "A."
And later in his argument he said to the jury:
And, if you will recall, it has never been contradicted the blood type of Janice May was blood type "A" positive. Blood type "A." Blood type "A" on these shorts. It wasn't "O" type as the defendant has. It is "A" type, what the little girl had.
Such was the state of the evidence with respect to People's Exhibit 3 as the case went to the jury. And such was the state of the record as the judgment of conviction was reviewed by the Supreme Court of Illinois. The "blood stained shorts" clearly played a vital part in the case for the prosecution. They were an important link in the chain of circumstantial evidence against the petitioner, and, in the context of the revolting crime with which he was charged, their gruesomely emotional impact upon the jury was incalculable.
So matters stood with respect to People's Exhibit 3, until the present habeas corpus proceeding in the Federal District Court. In this proceeding the State was ordered to produce the stained shorts, and they were admitted in evidence. It was established that their appearance was the same as when they had been introduced at the trial as People's Exhibit 3. The petitioner was permitted to have the shorts examined by a chemical microanalyst. What the microanalyst found cast an extraordinary new light on People's Exhibit 3. The reddish-brown stains on the shorts were not blood, but paint.
The witness said that he had tested threads from each of the 10 reddish-brown stained areas on the shorts, and that he had found that all of them were encrusted with mineral pigments "... which one commonly uses in the preparation of paints." He found "no traces of human blood." The State did not dispute this testimony, its counsel contenting himself with prevailing upon the witness to concede on cross-examination that he could not swear that there had never been any blood on the shorts.
In argument at the close of the habeas corpus hearing, counsel for the State contended that "[e]verybody" at the trial had known that the shorts were stained with paint. That contention is totally belied by the record. The microanalyst correctly described the appearance of the shorts when he said, "I assumed I was dealing ... with a pair of shorts which was heavily stained with blood.... [I]t would appear to a layman ... that what I see before me is a garment heavily stained with blood." The record of the petitioner's trial reflects the prosecution's consistent and repeated misrepresentation that People's Exhibit 3 was, indeed, "a garment heavily stained with blood." The prosecution's whole theory with respect to the exhibit depended upon that misrepresentation.

For the theory was that the victim's assailant had discarded the shorts *because* they were stained with blood. A pair of paint-stained shorts, found in an abandoned building a mile away from the scene of the crime, was virtually valueless as evidence against the petitioner. The prosecution deliberately misrepresented the truth....
The judgment of the Court of Appeals is reversed, and the case is remanded for further proceedings consistent with this opinion.
It is so ordered.

KIDNAPPING IN ILLINOIS

Kidnapping is secretly and knowingly confining a person against his or her will, or using deceit, enticement, force, or threat of force to cause a person to go from one place to another with the intention of secretly and knowingly confining that person against his or her will. Confining a child 12 years old or younger without the consent of the child's parent also constitutes kidnapping. Aggravated kidnapping is kidnapping under additional circumstances or with additional actions, such as kidnapping while wearing a mask or with a dangerous weapon, or kidnapping for ransom. All forms of kidnapping are felonies.

ILLINOIS STATUTE FOR KIDNAPPING
(720 ILCS 5/) Criminal Code of 1961
Article 10. Kidnapping and Related Offenses

Sec. 10-1. Kidnapping.) (a) Kidnapping occurs when a person knowingly:
(1) And secretly confines another against his will, or
(2) By force or threat of imminent force carries another from one place to another with intent secretly to confine him against his will, or
(3) By deceit or enticement induces another to go from one place to another with intent secretly to confine him against his will.
(b) Confinement of a child under the age of 13 years is against his will within the meaning of this Section if such confinement is without the consent of his parent or legal guardian.
(c) Sentence.
Kidnapping is a Class 2 felony.
(Source: P.A. 79-765.)

(720 ILCS 5/10-2) (from Ch. 38, par. 10-2)
Sec. 10-2. Aggravated kidnaping.
(a) A kidnaper within the definition of paragraph (a) of Section 10-1 is guilty of the offense of aggravated kidnaping when he:
(1) Kidnaps for the purpose of obtaining ransom from the person kidnaped or from any other person, or
(2) Takes as his victim a child under the age of 13 years, or a severely or profoundly mentally retarded person, or
(3) Inflicts great bodily harm, other than by the discharge of a firearm, or commits another felony upon his victim, or
(4) Wears a hood, robe or mask or conceals his identity, or
(5) Commits the offense of kidnaping while armed with a dangerous weapon, other than a firearm, as defined in Section 33A-1 of the "Criminal Code of 1961", or
(6) Commits the offense of kidnaping while armed with a firearm, or
(7) During the commission of the offense of kidnaping, personally discharged a firearm, or
(8) During the commission of the offense of kidnaping, personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.
As used in this Section, "ransom" includes money, benefit or other valuable thing or concession.
(b) Sentence. Aggravated kidnaping in violation of paragraph (1), (2), (3), (4), or (5) of subsection (a) is a Class X felony. A violation of subsection (a)(6) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(7) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.
A person who is convicted of a second or subsequent offense of aggravated

kidnaping shall be sentenced to a term of natural life imprisonment; provided, however, that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense.
(Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

KIDNAPPING CASE IN ILLINOIS

Attempt to apply the statute/s to the following cases:

The Charles Ross Kidnapping: On September 25, 1937, Charles Sherman Ross was driving towards Chicago with his former secretary and lifetime friend, Miss Florence Freihage. Noticing a car with unusually bright lights behind him, the gray-haired Ross swung his car over to the side of the road to let the other car pass.

The other car veered sharply in front, blocking Ross' car.

John Henry Seadlund, a lone bank bandit characterized by the FBI as a cold-blooded and ruthless kidnapper and murderer, jumped out with a revolver in his hand. Walking over to Ross, Seadlund tapped the revolver against the door of the car and threatened to shoot Ross if he did not open the door. Ross complied and was forced into the abductor's car (which was being driven by a man named James Atwood Gray).

Miss Freihage, who thought Seadlund seemed "youthful and nervous," tried to stop the kidnapping by saying that Mr. Ross had a weak heart and other ailments. Seadlund looked Freihage over and asked, "What are you, his daughter or his sweetheart?" She replied, "I am just a friend." Seadlund pressed the gun into Freihage's shoulder and ordered her to lie on the floor of the Ross automobile while he and Gray drove off in the kidnap car with Ross. Before departing, Seadlund warned: "Don't call the police after we have gone or we'll kill him."

Freihage complied with the demands until she heard the kidnapper's car race away into the darkness. Then, looking up cautiously, she observed the red rear light of the kidnapper's car moving in the darkness and she attempted to follow it. The kidnap car outdistanced her and she stopped at the first available telephone to call the police.

Four months later, the resolution of the Ross kidnapping would reveal that there is no honor among criminals, for Seadlund murdered not only Ross but James Atwood Gray as well. The gambling spree he went on after the murders resulted in Seadlund's capture and, ultimately, in his death by electrocution.

September 25, 1937: Ross kidnapped by Seadlund and Gray at Franklin Park, Illinois.

September 26, 1937: Abductors arrived at the first hide-out near Emily, Minnesota.

September 28, 1937: Seadlund returned to Chicago where he began to negotiate for the payment of $50,000 in ransom. The kidnapper mailed four ransom letters in and around Chicago.

October 8, 1937: $50,000 paid to Seadlund outside of Rockford, Illinois. Seadlund then returned to the first hide-out where Gray kept watch over Ross.

October 10, 1937: Kidnappers and victim arrived at the second hide-out northwest of Spooner, Wisconsin. At about 3:00 p.m. Seadlund killed Gray and Ross. He then threw both bodies into a pit and covered them over with dirt and brush.

October 17, 1937: Seadlund arrived near Walker, Minnesota where he buried a typewriter box containing $32,625.00 of the ransom money.

October 20, 1937: Seadlund arrived in Denver, where he purchased a wire-haired terrier dog which he used as a companion in his travels.

October 30, 1937: Seadlund arrived in Spokane, where he disposed of the Ford car used in the kidnapping and bought an Oldsmobile car, returning to Chicago.

December 1, 1937: Seadlund arrived in New York City, where about $7,000 of the ransom money was stolen from his automobile.

December 16, 1937: Seadlund arrived in Philadelphia.

December 24, 1937: Seadlund arrived in Miami.

January 2, 1938: Seadlund arrived in New Orleans.

January 8, 1938: Seadlund arrived in Pecos, Texas.

January 10, 1938: Seadlund arrived in Los Angeles. He spent the next four days at a local race track where he was apprehended by FBI Agents.

January 17, 1938: Seadlund was transported to St. Paul, Minnesota where, on January 19, 1938, he pointed out the ransom cache. The next day he was transported to Spooner, where he pointed out the death chamber.

March 19, 1938: Seadlund was sentenced to death by electrocution.

QUESTIONS FOR REVIEW

1. True or False? In 2003, Illinois was also the first state to pass a law stating that an individual may withdraw consent any time during intercourse.

Answer: True

2. True or False? According to the Illinois Rape Shield Law, rape defendants may question an accuser's sexual activities even if an out-of-court statement by the alleged victim raises questions about her credibility.

Answer: False

3. Which of the following is not an element of the Illinois definition of rape?
A. Gender neutral
B. Threats are recognized as an element of force
C. Only vaginal penetration
D. Taking advantage of an incapacitated victim

Answer: C

4. The general age of consent in Illinois is:
A. 17
B. 18
C. 14
D. 16

Answer: A

5. True or False? In Illinois, statutory rape includes intercourse with an underage male or female.

Answer: True

WEB RESOURCES

- http://www.growingstrongcenter.org/nowyouknow/law.htm Age of consent
- http://www.nvaw.org/research/sa.shtml Rape and sexual assault facts
- http://www.courttv.com/news/2003/0730/rapelaw_ap.html "New Rape Law Says People can Change Mind During Sex"
- http://www.leadershipcouncil.org/1/lg/2004.html The Leadership Council
- http://www.state.il.us/court/Opinions/AppellateCourt/1999/1stDistrict/March/HTML/1973103.htm *People v. Beasley*
- http://www.findgreatlawyers.com/HotTopics/IllCrimLaw/10Rape.htm Illinois legal guidelines
- http://www.law.harvard.edu/publications/evidenceiii/cases/miller.htm *Miller v. Pate*
- http://chicago.about.com/cs/historycharacters/a/_cs_Ross.htm The Charles Ross Kidnapping Mystery