

CORROBORATION IN A SEX OFFENSE CASE¹

As to count(s) (*specify*), the People contend that (*specify*) was incapable of consent solely because of a mental defect [or mental incapacity].

Under our law, the defendant may not be convicted of that/those count(s) solely on (*specify's*) testimony unsupported by other evidence.²

Therefore, before you may convict the defendant of count(s) (*specify*), you must find that the testimony of (*specify*) was truthful and accurate and was supported by other evidence which:

- (1) tends to establish that an attempt was made to engage (*specify*) in sexual intercourse [oral sexual conduct], [anal sexual conduct], [sexual contact], at the time of the occurrence; and
- (2) tends to connect the defendant with the commission of the offense or attempted offense.

¹ Penal Law § 130.16.

² *People v. Groff*, 71 N.Y.2d 101, 108 (1987).