

CORROBORATION¹

Under our law, a person shall not be convicted of (*specify*) solely on the testimony of the victim, unsupported by other evidence tending to:

(1) Establish that an attempt was made to engage the victim in sexual intercourse [oral sexual conduct, anal sexual conduct,² or sexual contact] at the time of the occurrence; and

(2) Connect the defendant with the commission of the offense or attempted offense.

1. Penal Law § 130.16 provides that such corroboration shall be required for “any offense defined in this article of which lack of consent is an element but results solely from incapacity to consent because of the victim’s mental defect, or mental incapacity, or an attempt to commit the same.”

2. Effective November 1, 2003, the terms “oral sexual conduct” and “anal sexual conduct” were substituted for the term “deviate sexual intercourse.”