

OCGA §16-6-22.2

Brief Description

Aggravated sexual battery

Statutory Language

(a) A person commits the offense of child molestation when he intentionally penetrates with a foreign object the sexual organ or anus of another person without consent of that person.

Form Charge

The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, further charge and accuse Defendant's Full Name with the offense of aggravated sexual battery in violation of O.C.G.A. §16-6-22.2 for the said accused, in the County of Fulton and State of Georgia, on the Date of Offense, did intentionally penetrate with a foreign object, to wit: object used, the sexual organ anus of Victim's Full Name without the consent of Victim's Full Name; contrary to the laws of said State, the good order, peace and dignity thereof;

Elements

	Element	Witness	Exhibit
0	In County;		
0	A named and identified defendant;		
1	Used a foreign object to penetrate the victim's:		
1a	Sexual organ; OR		
1b	Anus;		
2	Without the victim's consent.		

Pattern Jury Instruction

Definition

The term "foreign object" means any article or instrument other than the sexual organ of a person.

O.C.G.A. §16-6-22.2(a)

Aggravated Sexual Battery

A person commits the offense of child molestation when he intentionally penetrates with a foreign object the sexual organ anus of another person without consent of that person. .

Punishment

Statutory:

A person convicted of the offense of aggravated sexual battery shall be punished by imprisonment for not less than ten nor more than 20 years. ... in addition, be subject to the sentencing and punishment provisions of O.C.G.A. §17-10-6.1 and 17-10-7.

Sufficiency of Evidence (case law)

The evidence adduced is sufficient to support Inman's conviction for the aggravated sexual battery of F.W. beyond a reasonable doubt.... Inman's finger constitutes a foreign object for purposes of this crime. Evidence that appellant's finger penetrated the sexual organ of the victim was sufficient for the jury to find

beyond a reasonable doubt that appellant committed an act of aggravated sexual battery. Inman v. State, 295 Ga. App. 461, 464 - 65 (2009) (citations omitted).

A conviction of aggravated sexual battery is sufficiently supported by the testimony of the victim to prove guilt beyond a reasonable doubt. Greulich v. State, 263 Ga. App. 552, 554 (2003) (citation omitted).