

What is the Difference Between Rape and Sexual Assault?

What is the difference between sexual assault and rape?

PHILADELPHIA, PENNSYLVANIA,
UNITED STATES, November 8, 2018
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State laws in the United States vary when it comes to sexual abuse charges. In the state of Pennsylvania, there are important distinctions between sexual assault and rape that a defendant should be aware of to properly understand their case. In addition, there are various types of sexual assault and rape that someone could be charged with.

However, there is at least one similarity that sexual assault and rape have in common - either crime could land you with a very long prison sentence. If you were arrested for sexual assault or rape, you should speak with an

experienced sex crimes attorney in the Philadelphia area today. The Law Offices of Scarpello and LaTour are here to help you understand the differences between sexual assault and rape in Pennsylvania, so you are prepared to fight your sexual violence case.



SEXUAL ASSAULT VS. RAPE

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There are distinct differences between sexual assault and rape that defendants should be informed about.”

Josh Scarpello, Esq.

As many people are already aware, rape is a more serious offense than sexual assault. However, in Pennsylvania, there are more differences between the two aside from that, and there are many reasons why a rape charge after a sex act can incur.

SEXUAL ASSAULT IN PENNSYLVANIA

The term sexual assault has its own connotations in the conversation of the law. A sexual assault arrest is made when an offender has sexual intercourse or "deviate sexual intercourse" with a victim that does not grant explicit consent. Deviate sexual intercourse is also sometimes referred to as involuntary deviate sexual intercourse (IDS), which can be defined as when an offender offers unwanted touching of a body part such as penetrating the genitals or anus of a person with a foreign object or oral penetration without receiving that person's consent for the sexual

behavior.

There are various types of sexual assault, including statutory sexual assault. This type of sexual assault can be charged if you have sex with someone aged 16 or younger, and you are at least four years older when the assault or sexual abuse is said to have occurred. And, it's important to note that a statutory sexual assault charge can be increased to a first-degree felony if your age is 11 years or more than the victim. However, this offense does not apply to sexual activity in married couples.

Another form of sexual assault according to state laws in Pennsylvania is institutional sexual assault. You can be charged with this form of sexual assault if you work at a residential facility or correctional facility and have power over the residents or detainees and are accused of having sexual contact, unwanted oral penetration, or inappropriately touching a body part of one of those individuals. Even if the victim accepted the sexual advances and was a willing participant, you can still be charged with institutional sexual assault due to the imbalance of power. If you have been arrested for any form of sexual battery or sexual harassment -- ranging from domestic violence to quid pro quo -- it is crucial that you consult with a criminal defense attorney.

RAPE IN PENNSYLVANIA

Rape refers to unwanted penetration by means of physical force or forcible sodomy. Rape is a complex offense and there are different things that an offender should understand. Take this instance for example -- if a reasonable person feels endangered by someone's unwelcome sexual advances and is threatened with rape, and they conclude that they cannot resist the sexual abuse using physical force with success, their offender can be charged with rape. In addition, there are at least three other sex act situations that can lead to a rape charge:

If the suspect has sexual intercourse with a person that does not comprehend the sexual activity is occurring or is unconscious, such as someone that is intoxicated and cannot grant explicit consent

If the suspect used sexual coercion such as supplied the victim with drugs or other types of intoxicant and would make the victim less likely to resist unwanted penetration or sexual harassment

If the suspect has sexual penetration with someone who is mentally incapacitated that cannot consent to the sexual activity

If you are accused of rape, sexual harassment, or unwanted sexual contact in the city of Philadelphia, you will need to seek legal advice from a rape defense attorney sooner rather than later.

CRIMINAL PENALTIES SEXUAL ASSAULT AND RAPE IN PENNSYLVANIA

Ultimately, the criminal penalties for sexual assault and rape will vary from case to case and depend on the circumstances involved. Nonetheless, according to the penal code, you can usually expect a rape to be charged as a first-degree felony. There are three categories of felonies in Pennsylvania, and that is not including felonies that involve murder. The penalty of a felony depends on which category the sexual violence charge falls under. A first-degree felony carries the most severe penalties, while a third-degree felony carries the least severe - and a

second-degree felony falls between the two.

Rape is a first-degree felony, and if convicted, you can face up to 20 years in prison, and even forced to pay \$25,000 in criminal fines. Sexual assault is a second-degree felony, and if convicted, you can be sentenced up to 10 years in prison and fined \$25,000. A statutory sexual assault is considered a second-degree felony but can be increased to a first-degree felony if you are 11 or more years older than the victim.

Aside from the criminal penalties, being convicted of a sexual violence offense can result in a tarnished reputation - both personally and professionally. Furthermore, you may even have to register as a sex offender following your prison sentence. When it comes to a sexual abuse or sexual harassment offense, you cannot afford to take it lightly.

Each sexual violence and sexual harassment crime is different, and if you are facing criminal charges, you will need a Philadelphia attorney that understands your case. Contact the attorneys at [Scarpello & LaTour](#) for a free consultation. When your life is on the line, you shouldn't settle for anything less than the best representation.

About Scarpello & LaTour:

Josh Scarpello & Pierre LaTour are former Philadelphia District Attorneys who prosecuted DUI/DWI cases, drug offenses, gun charges, sex crimes, assault, embezzlement, and other types of charges. Today they use the experience gained as prosecutors to defend people charged in crimes.

What sets them apart from most other criminal defense attorneys in Philadelphia is their willingness to try cases. Some lawyers would try to force their client to accept any plea deal, rather than risk going to trial and losing the case. However, sometimes you need to try a case to obtain the best outcome. If you can walk into a conference with the prosecutor, unafraid to go to trial, your leverage is immense.

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