

Is Being Drunk a Valid Defense to Rape Charges in Utah?

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The vast majority of people are aware that consent is required to engage in sexual activity of any kind. This means that if someone is intoxicated, he or she is not able to consent; however, what about if the person was drunk at the time he or she is alleged to have committed this crime? Is this a valid defense? We have experienced defense attorneys who have an extensive amount of experience defending someone against serious sex crime charges. If you or someone you know has been accused of a sex crime, we are here to help. We have some important information that you need to keep in mind.

Voluntary Intoxication

First, it is important to define how the intoxication unfolded. There are two different types of intoxication under the law in the state of Utah. The first is called voluntary intoxication. This involves choosing to drink or take a drug. Under Utah Code § 76-2-306, voluntary intoxication is not able to be used as a defense against a criminal charge unless that intoxication removes a mental state that would otherwise be an element of the offense. This means that willingly taking something is not a defense unless the defendant was made some sort of drunken mistake. For example, if someone was so confused that they entered the wrong home on accident, this could be used to defend against criminal trespass. On the other hand, this type of defense would be unlikely to be successful in crimes of malice, such as rape. Therefore, when it comes to alcohol and rape, blackout drunk consent is not a viable defense in this type of alcohol-related crime.

The Advent of Involuntary Intoxication

On the other hand, if someone was given alcohol or drugs without his or her knowledge, this could make this type of defense more successful. This is called involuntary intoxication and involves someone being forced to take alcohol or drugs or taking them without his or her knowledge. This means that the individual did not consent to taking alcohol or drugs and could free him or her from responsibility for the events that followed. For example, if someone has his or her drink spiked. It would be important to prove that this happened using strong physical evidence combined with a powerful argument. This is where an experienced defense attorney is necessary, particularly when it comes to rape charges in Utah.

Call Wasatch Criminal Defense Lawyers

At Wasatch Defense Lawyers, we are here to ensure that everyone in the local area has access to an experienced attorney in Utah. We are based in Salt Lake City and specialize in sex crimes defense. Our responsive lawyers will get to work quickly on your defense. We could get your charges reduced, might keep you out of jail, and will work hard to keep you off the sex offender registry. We could even get your case dismissed entirely. Sex crime convictions can lead to devastating complications, so if you are looking for an attorney in Utah to defend your rights, contact us today to learn more about our services!