



AG WILL ASK COURT OF CRIMINAL APPEALS FOR REHEARING TO PRESERVE STATE LAW CRIMINALIZING NONCONSENSUAL SEX ACTS

(MONTGOMERY)--Attorney General Luther Strange announced today that he will ask the Alabama Court of Criminal Appeals to reconsider its recent decision in Williams v. State of Alabama striking down Alabama's sexual misconduct statute as unconstitutional.

"This case is not about consensual sex," Attorney General Strange said. "Instead, the sexual misconduct statute is an important tool to protect homosexual and heterosexual victims from nonconsensual sex."

Nearly 40 years ago, the Legislature passed a law that criminalized all acts of anal and oral sex regardless of gender or sexual orientation. The Attorney General's Office long ago conceded that the law was not constitutional as it applied to consensual sex. In Williams, the Attorney General's Office asked the court to leave the law in place for the prosecution of nonconsensual sex acts. Instead, the court chose to strike down the law in its entirety.

The impact of the Williams decision is illustrated by the case of Thomas Gilbert, which is also currently pending before the Court of Criminal Appeals. The 54-year-old Gilbert gave enough alcohol to a teenage boy to render him severely drunk and then had sex with the teenager without his consent. With the support of the victim and his family, the State allowed Gilbert to plead guilty to the offense of sexual misconduct. If Williams stands, Gilbert's conviction will also be reversed, even though the sex was nonconsensual, and Gilbert will not have to register as a sex offender.

"The Williams decision leaves all Alabamians less protected from nonconsensual sex and potentially calls into question numerous past convictions, involving both heterosexual and homosexual defendants and victims," Attorney General Strange said. "That is why I intend to ask the Court of Criminal Appeals to reconsider its decision."

The Attorney General's Office expects to file its request for rehearing by June 27.

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