

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 10: Evidence and Depositions

§ 750. Rape prosecutions—Evidence of complaining witness' previous sexual conduct inadmissible—Exception

Cite as: 22 CNCA § 750

A. In any prosecution for rape or assault with intent to commit rape, opinion evidence of, reputation evidence of and evidence as to specific instances of the complaining witness' sexual conduct is not admissible on behalf of the defendant in order to prove consent by the complaining witness. Provided that this section shall not apply to evidence of the complaining witness' sexual conduct with or in the presence of the defendant.

B. If the Prosecuting Attorney introduces evidence or testimony relating to the complaining witness' sexual conduct, the defendant may cross-examine the witness giving such testimony and offer relevant evidence or testimony limited specifically to the rebuttal of such evidence or testimony introduced by the Prosecuting Attorney.

Historical Data

LA 10–90, eff. November 13, 1990.