

***STATE V. RUSK***  
**Court of Appeals of Maryland**  
**(1981)**

A man (Rusk) and a woman (Pat) meet at a local bar. After talking for about an hour, Pat announced that she must leave. When Rusk asked for a ride home, Pat replied, "Ok, but I'm just giving you a ride home, you know, as a friend, not anything to be, you know, thought of other than a ride . . ."

According to Pat, after arriving at Rusk's home, in a location which she was unfamiliar with, Rusk asked Pat to come inside. Upon her refusal, Rusk reached over, took her keys out of the ignition, and stated, "Now will you come up?"

Pat claims that since she was in a totally unfamiliar neighborhood, had no way home and was scared what might happen if she refused, she accompanied Rusk inside. Once inside, Rusk told her to sit down and left the room for five minutes. During this time, Pat did not attempt to leave nor did she make any noise.

When Rusk returned, Pat asked if she could go home now. Rusk replied that he wanted her to stay. Rusk then asked Pat to get on the bed with him, pulled her onto the bed and began undressing her. Pat removed her remaining clothing and helped Rusk remove his because "He asked me to."

At this point, Pat testified that she begged Rusk to let her go. She also stated that "I was really scared, because I can't describe, you know, what was said. It was more the look in his eyes and I said if I do what you want, will you let me go without killing me?" And he said, yes, so I did what he wanted me to do.

After engaging in intercourse, Pat was allowed to leave. She reported the incident to the police about an hour later.

Has a rape occurred under Utah Code Section 76-5-402?