You Decide

5.1 Kerry Van Bell was convicted of attempted rape of a child. The defendant was contacted by a police undercover agent who stated that she had a foster child who was available for sexual relations for money. Bell met with the undercover officer and expressed unhappiness that the child was not with the undercover agent. They negotiated a price for intercourse with the four-year-old foster child. Bell nodded his head at the price of $200 and agreed to follow the undercover officer to Elm Street by Elm Park roughly one mile away where the agent represented that the child was located. As the undercover officer exited Van Bell's car, she signaled to nearby police officers who arrested Van Bell as his vehicle began to pull out of his parking spot and turn toward the exit of the parking lot, in the direction of Elm Park. The court stated that in determining whether a defendant is guilty of an attempt in Massachusetts "we look to the actions left to be taken, or the 'distance or gap between the defendant's actions and the (unachieved) goal of the consummated crime—the distance must be relatively short, the gap narrow, if the defendant is to be held guilty of a criminal attempt.'" Was Van Bell guilty of attempted rape of a child? See *Commonwealth v. Kerry Van Bell*, 917, N.E.2d 740 (Sup. Jud. Ct. Mass. 2009).

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