# MOTION IN LIMINE TO EXCLUDE RELIGIOUS DEFENSES

##### State of Florida

##### Hernando County

COMES NOW, the Department of Children and Families, by and through the undersigned attorney, filing this Motion in Limine, and stating:

1.The above-referenced cause is set for trial to begin at 9:00 a.m. on February 5, 2001 in the Circuit Court, Hernando County, Florida.

 2.In his disclosure to the State, the Defendant, \_\_\_\_\_\_\_\_\_, has held himself out as a member of the Mormon faith.

 3.The State would request an order of this Court excluding the testimony of the Defendant's alleged membership in this religious faith as it relates, directly or indirectly, to the following:

1. The legality or appropriateness of his sexual relationship with his daughter, AB.
2. The legality or validity of his marriage to his daughters AB and SK.
3. His role as a religious leader in Mormon Church, the Mormon Church as defined as the Mormon Church as established and recognized within the Church of Jesus Christ of Latter Day Saints, in the areas of Brooksville, Dade City, Pasco County, Hernando County, or the State of Florida.
4. His role as a prophet of the Mormon Church; the Mormon Church as defined as the Mormon Church as established and recognized within the Church of Jesus Christ of Latter Day Saints.
5. The role that the teachings of the Mormon Church, the Mormon Church as defined as the Mormon Church as established and recognized within the Church of Jesus Christ of Latter Day Saints, have played in his raising and disciplining of his children.
6. His beliefs as they are in accordance with, or divergent from, the Mormon Church, the Mormon Church as defined as the Mormon Church as established and recognized within the Church of Jesus Christ of Latter Day Saints.

4. Pursuant to Fla. Statute Sec. 761.03, the safety and welfare of children is a compelling state interest, and for the arguments contained in the attached affidavit, the State of Florida, through the Department of Children and Families, respectfully requests this Court to EXCLUDE any and all testimony by the Defendant concerning his religious beliefs or religious practices.

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Assistant District Attorney