**STATE’S MOTION TO ALLOW PARENTS IN THE COURTROOM AS**

**SUPPORT PERSONS**

**State of Oklahoma**

COMES NOW the State of Oklahoma by and through Assistant District Attorney T.H.H. and moves that the Court allow the parents of the minor children to be present as the child’s designated support person during that child’s testimony.

In support of the motion, the State offers that the victims in this case, A.B. and B.C., are all minor children under 16 years of age.

12 O.S. § 2803.2 states

E. A minor witness shall have the right to be accompanied by a support person while giving testimony at any criminal proceeding. The support person shall not discuss the testimony of the minor witness with any other witnesses and shall be admonished by the court to not sway, prompt or influence the testimony of the minor witness in any way.

12 O.S. § 2803.2(B)(2) defines “support person”

(2) “Support Person” means a parent, other relative or a next friend chosen by the minor witness to accompany the minor witness to court proceeding.

Although many of the children’s parents are endorsed as witnesses, 12 O.S. § 2803.2 (A) states that the legislature intended to provide the court with discretion to employ unusual court procedures to protect the rights of children. Because 1803.2 designates that a child witness has the right to have a support person present who has been chosen by the child, the state moves that the court grant an exception to the rule of sequestration to allow the parent support person to be present. Furthermore, since the defense has a summary of the proposed testimony of the parents, the rights of the defendant would be protected as required.

Respectfully submitted,

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Assistant District Attorney