**MOTION TO ALLOW THE VICTIM TO BE EXAMINED**

**WHILE SEATED IN FRONT OF THE JURY BOX**

**Commonwealth of Massachusetts**

NOW COMES the Commonwealth and moves that the direct and cross-examination of the victim be conducted in a non-threatening manner. The Commonwealth suggests that such examinations be conducted while the victim and counsel are seated in front of the jury box.

The victim in this case is a five-year-old boy, who was allegedly raped by the defendant. Clearly, the possibility exists that testifying in this cause will be a traumatic experience for the child. In such a situation, a trial judge has wide discretion in controlling the manner in which the trial is conducted. This is particularly true when the witness is a young child. *See Commonwealth v. Carrion*, 370 Mass. 408, 348 N.E.2d 754 (1976) and *Commonwealth v. Jimenez*, 10 Mass. App. Ct. 441, 409 N.E.2d 204 (1980). In this case, the court should exercise its discretion in the manner suggested by the Commonwealth.

DATED at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant District Attorney