**STATE’S OBJECTION TO DEFENDANT’S MOTION**

##### FOR PSYCHOLOGICAL EVALUATIONS OF CHILD VICTIMS

State of Oklahoma

COMES NOW the Plaintiff, State of Oklahoma, Tulsa County District Attorney’s Office, through T.H.H., Assistant District Attorney, and respectfully requests this Court to deny the Defendant’s motion for psychological evaluations of the alleged child sexual abuse victims. In support of their objection the State of Oklahoma would state as follows:

Title 12 O.S. §2601 holds “Every person is competent to be a witness except as otherwise provided in this Code.” This section is a general “ground-clearing rule” eliminating all grounds for the incompetency of witnesses not specifically recognized in the evidence code. In *Gray v. State*, 650 P.2d 880 (Okla. Cr. 1982) the Court of Criminal Appeals affirms the trial court’s ruling permitting children, ages seven to ten, to testify in a prosecution for shooting with intent to kill. That court went on to state that §2601 was designed to abandon all prior tests of mental capacity such as that which previously applied to children, since issues of testimonial capacity “are more appropriately dealt with as issues going to the sufficiency of the evidence, its weight and credibility, and the oath and impeachment.” *Id*. at 885.

Respectfully submitted,

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Assistant District Attorney