IN THE SUPERIOR COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY

STATE OF GEORGIA

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| STATE OF GEORGIA | \* |  |
|  | \* | INDICTMENT NO. |
| vs. | \* |  |
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**STATE’S RESPONSE TO DEFENDANT’S MOTION TO RESTRICT THE STATE FROM USING THE WORD”VICTIM” AT TRIAL**

In response to Defendant’s motion to have the State restricted from referring to [ALLEGED VICTIM] as “victim” during the trial of this case, the State would have the court consider *Gober v. State, 203 Ga. App. 5* (1992).

In that decision, the Georgia Court of Appeals held that the use of the word “victim” was not grounds for reversal of a conviction in a rape case. The trial court had denied a motion in limine seeking to prevent the prosecutor from using the word in referring to the complaining witness, stating “while reference to the alleged victim as the ‘victim’ may technically imply that a crime has been committed, the common usage of the term ‘victim’ in connection with criminal prosecutions embodies the concept that the complaining party is allegedly the object of the crime”.

WHEREFORE, the State would respectfully request that the Court deny any defense motion in limine restricting the State from using the word “victim” at trial.

This \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant District Attorney