

[CAPTION]

DEFENDANT'S MOTION FOR EXTENDED VOIR DIRE (Child Molest)

The Defendant, by counsel, respectfully requests this Court for an Order granting extended voir dire. In support of this Motion, the Defendant states the following:

1. It is Defendant's understanding that it is the usual policy of this Court to allow [insert time length] for attorney voir dire to each the State and the Defendant.
2. The Defendant in this cause is charged with child molesting, as a Class __ Felony.
3. These charges are very serious and subject the Defendant to significant terms of imprisonment if convicted.
4. Additionally, the subject matter of these charges is very emotionally laden, and the evidence presented will have a significant emotional impact on the jurors.
5. The emotional element of these charges and the potential for this element interfering with the analysis of the evidence presented is greater than would be found in cases not involving allegations of sexual abuse of a child.
6. To insure that the Defendant receives a fair trial by an impartial jury, more than [insert time length] is necessary to explore any prejudices or psychological traits which could impact on the jury's decision making process.
7. Indiana Rule of Trial Procedure 47(D) states in relevant part that at the expiration of any time limitation imposed, "the court shall liberally grant additional reasonable time upon a showing of good cause related to the nature of the case...."
8. Additionally, while the court has considerable discretion to control the voir dire process, it must allow each party a reasonable opportunity to intelligently exercise its challenges. See, e.g., Von Almen v. State, 496 N.E.2d 55 (Ind. 1986), and Everly v. State, 271 Ind. 687, 395 N.E.2d 254 (1979).
9. In light of the nature of this case and the possible prejudices and feelings of prospective jurors which could render them unable to make an impartial decision based solely on the evidence presented at trial, counsel for Defendant feels that additional time would be needed for adequate voir dire.

10. This added time for voir dire would consume only a small amount of additional trial time.

11. Refusal to allow counsel to adequately explore the experiences, biases and prejudices relating to sexual abuse with jurors may result in a reversal if a juror does not feel sufficiently comfortable revealing past experiences. Dye v. State, 784 N.E.2d 469 (Ind. 2003) (where juror failed to disclose that she had been a victim of sexual abuse when she was two, new trial was required in a case where the State accused, but did not charge, the Defendant of sexual abuse of one of the victims).

12. Moreover, without the additional time, it will be impossible for the Defendant to find a fair and impartial jury as guaranteed by the Sixth Amendment to the U.S. Constitution and Article I, Section 13 of the Indiana Constitution.

13. In order to adequately prepare for voir dire on such sensitive issues, Defendant requests that this extension be granted prior to trial so that the parties may intelligently make maximal use of the time allotted.

WHEREFORE, the Defendant, by counsel, respectfully requests this Court to grant his Motion for Extended Voir Dire, and extend such time limitation to a minimum of [insert desired time limit], and for all other relief just and proper in the premises.

(Signature)