

**IN THE DISTRICT COURT OF * COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA)	
Plaintiff,)	
)	Case No:
)	
V)	
)	
)	
Defendant)	
DOB:)	
S.S.N:)	

**MOTION IN LIMINE RE: INTRODUCTION OF CRIME
SCENE AND/OR AUTOPSY PHOTOGRAPHS**

COMES NOW, the defendant above named, and moves this Court for an Order prohibiting the introduction of photographs taken at the crime scene, the morgue, during any of the autopsies for the following reasons:

1. Photographic depictions, where condition of the victim's body may be proven through less prejudicial evidence of the pathologist testimony, are merely cumulative in nature and have probative value in establishing any issue in the instant case. Furthermore, these photographic depictions are highly inflammatory and prejudicial.
2. The autopsy and the morgue and crime scene site photographs depicting the victim's body have scant probative value, if any, and the principal affect is to inflame and arouse the passions of the jury, little of whom have ever seen or witnessed such photographs, due to their gruesome, grotesque and ghastly nature. These photographs, if introduced, would prejudice the defendant and deprive him of his right to a fair trial.
3. Before the prosecution attempts to introduce the photographs of the decedent, many of which are duplicative, defendant requests an in-camera hearing so that a complete record of objections as to each photograph may be made.
4. Authorities cited in favor of Defendant's argument include 12 O.S. § 2402-3, the Fourteenth Amendment to the U.S. Constitution, and corresponding clauses of

the Oklahoma Constitution, Oxendine v. State, 335 P.2d 940, Ritchie v. State, 632 P.2d 1244, Tobler v. State, 608 P.2d 350 (Okl. Cr. 1984), and Jones v. State, 738 P.2d 525 (Okl. Cr. 1987).

WHEREFORE, defendant prays this Court grant his Motion as set out above.

Respectfully submitted,

Attorney Name, OBA# _____
ATTORNEYS FOR DEFENDANT
Firm Name
Street Address
City, ST ZIP
Tel: ()
Fax: ()

CERTIFICATE OF MAILING

This is to certify that on the _____ day of _____, 20____, a true and correct copy of the above and foregoing motion was mailed, postage prepaid, to _____(name and address)_____.

(Signature of mailer)