

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
09 CRS 0000000

STATE OF NORTH CAROLINA,)
)
vs.)
)
JOHN Q. DOE,)
)
Defendant.)

MOTION FOR
SEQUESTRATION OF
STATE'S WITNESSES

NOW COMES the Defendant, *John Q. Doe*, by and through the undersigned counsel, Maitri "Mike" Klinkosum, Assistant Public Defender, and hereby moves this Honorable Court, pursuant to N.C.Gen.Stat. § 15A-1225, the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, and Article 1 §§ 19 and 23 of the North Carolina Constitution, for an Order from this Court ordering the sequestration of all witnesses, other than the Defendant, outside of the courtroom until called to testify and instructing all witnesses not to discuss their testimony with other witnesses throughout the entirety of the trial. In support of the foregoing Motion, the Defendant would show unto the Court as follows:

1. The Defendant is charged with two counts of Taking Indecent Liberties with a Minor and one count each of Statutory Sexual Offense and Statutory Rape.
2. Upon information and belief, it is expected that there will be several witnesses to testify on behalf of the State.
3. Over long periods of time, memories of eye-witnesses, as well as other witnesses, fade, and thereby increase the possibility that a witness, either consciously or unconsciously, may tailor testimony to fit the majority view or rely less on his or her own recollection and more on an unobserved or unremembered fact offered by another witness.
4. The Court can further ensure untainted testimony and the preservation of the Defendant's rights to Due Process and Equal Protection by sequestering witnesses outside the courtroom during the trial of these matters until their testimony is needed.

WHEREFORE, the Defendant respectfully prays unto this Honorable Court for

an Order sequestering all witnesses, other than the Defendant, outside of the courtroom until called to testify and instructing all witnesses not to discuss their testimony with other witnesses throughout the entirety of the trial.

This the 9th day of October 2009.

By:

Maitri "Mike" Klinkosum

Assistant Public Defender

Attorney for the Defendant

227 Fayetteville St., Suite 500

Raleigh, NC 27601

Telephone: (919) 715-1514

Facsimile: (919) 715-1510

Email: mklinkosum@yahoo.com

Certificate of Service

This shall certify that a copy of the foregoing *Motion for Sequestration of State's Witnesses* was this day served upon the District Attorney by the following method:

_____ depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care, custody, and control of the United States Postal Service, properly addressed to Office of the District Attorney;

 X by personally serving the Office of the District Attorney via hand delivery (*Assistant District Attorney Jeff Cruden*);

_____ by transmitting a copy via facsimile transmittal to the Office of the District Attorney; and/or

_____ by depositing a copy in the box for the Office of the District Attorney maintained by the Clerk of Superior Court.

This the 9th day of October 2009.

By: _____
Maitri "Mike" Klinkosum
Assistant Public Defender
Attorney for the Defendant
227 Fayetteville St., Suite 500
Raleigh, NC 27601
Telephone: (919) 715-1514
Facsimile: (919) 715-1510
Email: mklinkosum@yahoo.com