

FILED
OREGON JUDICIAL DEPT.
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,)
) No. C973456CR
) ~~C962556CR~~
Plaintiff,)
) MOTION IN LIMINE
v.) (DEFENDANT'S INCARCERATION)
)
BILLY LEE OATNEY, JR.)
)
Defendant.)

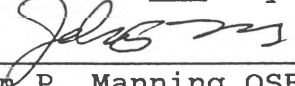
Comes now defendant, by and through his attorneys, and
hereby moves the court for an order as follows:

1. Limiting the State from introducing into evidence that
defendant had been incarcerated in any federal or navy penal
institution;

2. Limiting the State from introducing into evidence that
portion of a telephone conversation between defendant and co-
defendant Johnston on October 10, 1996 in which defendant refers
to himself as an "ex-con."

Attached hereto and incorporated herein is the transcript of
the relevant portion of the conversation and a Memorandum of Law.

DATED this 22 day of January, 1998.



John P. Manning OSB#76235
Of Attorneys for Defendant

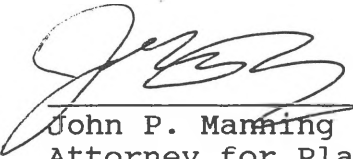
1-MOTION IN LIMINE (DEFENDANT'S INCARCERATION)

JOHN P. MANNING OSB #76235
Attorney at Law
8196 SW Hall Boulevard, Suite 344
Beaverton, Oregon 97008-6412
(503) 520-9130

CERTIFICATE OF SERVICE

I hereby certify that I served a certified true copy of the
MOTION IN LIMINE (DEFENDANT'S INCARCERATION AND RULE 412 MOTION
on the 2^d day of January, 1998 on the following persons by office
service:

Mr. Scott Upham
Washington County District Attorney
150 N. First Ave.
Hillsboro, OR 97124


John P. Manning
Attorney for Plaintiff

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