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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN THE COUNTY OF WASHINGTON

STATE OF OREGON,)	
PLAINTIFF,)	No: C 962556 CR
)	
vs.)	MOTION TO EXCLUDE VICTIM
)	IMPACT EVIDENCE
BILLY LEE OATNEY,)	
DEFENDANT.)	

COMES now the defendant, Billy Lee Oatney, by and through his attorneys, John Manning and William S. Brennan, and moves this court for an order excluding victim impact evidence from being offered at the penalty phase of the trial in the event that phase is reached, for the reason that such evidence is irrelevant, and that such evidence violates the Due Process Clause of the U.S. Constitution and Article 1, Section 15 of the Oregon Constitution.

This motion is supported by the Memorandum of Law Re: Victim Impact Evidence which is attached hereto and by this reference incorporated herein.

This motion is made in good faith and not for purposes of delay.

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Moreover, defendant requests an evidentiary hearing and oral argument on this matter.

Respectfully Submitted

October 15, 1997

William S. Brennan, OSB 79019
Of Attorneys for Defendant, Oatney

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