

IN THE CIRCUIT COURT OF THE TWENTY FIRST
JUDICIAL CIRCUIT, IN AND FOR CAMDEN COUNTY,
MAJOR

CASE NO. 666

STATE OF MAJOR

-vs-

GARY LEE GOODMAN
Defendant.

OMNIBUS ORDER ON MOTIONS IN LIMINE

This cause coming on to be heard before the Court on the State's Motion in Limine to Suppress the Testimony of Arden Conger, M.D., Ph.D., and the Defense Motion in Limine to Amend the definition of "reasonably cautious and prudent person under the same circumstances" as given in the State Standard Jury Instructions, and the Court having heard argument of counsel, considered the authorities submitted, and otherwise being fully advised in the premises, the Court finds:

1. The State desires to have the testimony of Dr. Conger suppressed as legally irrelevant to the issue of self defense, the standard for self defense being the reasonably cautious and prudent person under the same circumstances. The State contends that a person suffering from passive dependent personality disorder is not a reasonably cautious and prudent person under the same circumstances and that regardless of such disability, should be required to conform his behavior to the requirements of law without regard for such disability.
2. The Defense argues that the phrase "under the same circumstances" encompasses personality disorders, and that the true legal standard to apply in this case is "a reasonably cautious and prudent person under the same circumstances who suffers from a personality disorder." The Defense urges the Court to modify the standard jury instructions to conform to this interpretation, and to allow the Defense to argue that interpretation to the jury.

The Court having considered same, it is the considered opinion of the Court that the term "reasonably cautious and prudent person under the same circumstances" is expressed in plain language open to understanding by all, and is not in need of further elaboration in the form of special jury instructions. Whether someone is a "reasonably cautious and prudent person under the same circumstances" is a question of fact for the jury and not a question of law for the Court. Based upon these findings, it is thereupon

ORDERED AND ADJUDGED as follows:

- a. The State's Motion in Limine shall be and the same is hereby DENIED.
- b. The Defense Motion in Limine shall be and the same is hereby DENIED.

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- c. Both the State and the Defense shall be free to argue to the jury any reasonable interpretation of “reasonably cautious and prudent person under the same circumstances,” including the interpretations pressed by both sides upon the Court at the hearing held on the aforescribed motions.

DONE AND ORDERED in Chambers this 30th day of November, 20XX-1, at Camden City, Major.

James Roy Bean

CIRCUIT JUDGE