IN THE IOWA DISTRICT COURT IN AND FOR SOUTH LEE COUNTY

STATE OF IOWA,)
Plaintiff)
VS.) Cause No. FECR009152
BENJAMIN G. TRANE,) RULE 5.412 MOTION
Defendant.)

COMES NOW, the defendant BENJAMIN G. TRANE, by and through his attorney, Lisa K. Schaefer, and moves pursuant to Iowa Rule of Evidence 5.412 for admission of evidence of prior false allegations of sexual abuse by a State witness in the above-referenced action:

- Iowa Rule of Evidence 5.412 prohibits the introduction of evidence related to the prior sexual behavior of a complainant in a sexual abuse proceeding.
- However, prior false allegations are not considered "prior sexual behavior" and therefore do not fall within the protections of Rule 5.412. <u>State v. Baker</u>, 679 N.W.2d 7 (2004).
- During depositions of the complaining witness taken on this date, she testified that she
 had made prior specific allegations of sexual abuse against her former foster parents,
 as well as her adoptive parents.
- 4. The defendant seeks to introduce testimony through both cross-examination and through the complaining witness' adoptive mother as to the falsity of those allegations.
- Such testimony goes directly to the credibility of the complaining witness. The State's
 case regarding the sexual abuse claim relies almost exclusively on the testimony of the
 complaining witness.

 The probative value of the testimony regarding the prior false allegations of sexual abuse far outweighs any prejudice to the State or to the complaining witness.

WHEREFORE, the defendant respectfully requests the he be allowed to introduce testimony both through cross-examination of the complaining witness, as well as through the testimony of her adoptive mother.

Lisa K. Schaefer

AT0007704

706 Jefferson Street

Post Office Box 427

Burlington, Iowa 52601

Telephone 319-758-9800

Facsimile 319-758-9801

ATTORNEY FOR DEFENDANT