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7 SUPERIOR COURT OF CALIFORNIA, COUNTY OF

8 THE PEOPLE OF THE STATE OF ) Case No.  
9 CALIFORNIA, )  
10 Plaintiff, ) MOTION TO ADVISE JURY  
11 Vs. ) OF DEFENDANT'S ACQUITTAL  
12 ) OF PRIOR SEX OFFENSE(S)  
13 Defendant. ) Date:  
14 ) Time:  
 ) Dept

15 TO: All parties and to their attorneys of record, and to the  
16 Honorable Judge of the Superior Court:

17 Defendant requests that he be allowed to advise the  
18 jury that he was acquitted of the prior sex offense(s) involving  
19 (Fill in name of victim or victims).

20 **ALTHOUGH DEFENDANT'S ACQUITTAL OF THE PRIOR**  
21 **SEX OFFENSE DOES NOT BAR ITS ADMISSION INTO EVIDENCE,**  
22 **HE (SHE) IS ENTITLED ON REQUEST TO ADVISE THE JURY**  
**OF THE FACT OF ACQUITTAL.**

23 The fact that the Defendant has been tried and acquitted of  
24 a (the) prior sex offense(s) which the People seek to admit per  
25 Evidence Code §1108 does not bar its (their) admission into  
26 evidence. (Dowling v. United States (1990) 493 U.S. 342, 349.)  
27 However, no authority exists to preclude the defense from  
28 advising the jury of the fact of acquittal of the prior offense.

1 Defendant requests that he (she) be permitted to advise the  
2 jury of his (her) acquittal of the prior sexual offense(s) which  
3 the People will be admitting per Evidence Code §1108.

4 Dated: Respectfully submitted,

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Attorney for Defendant

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