

STATEMENT OF LEGAL ISSUES

1. Whether the court improperly precluded the defense from pursuing evidence in support of the theory of defense, in violation of fair trial rights, cross examination rights, and confrontation rights culminating in a deprivation of due process, in violation of the state and federal constitutions, when the door was opened by the State.

The trial court denied inquiry.

2. Whether instructing the jury the charges had to be proven "on or about" the alleged dates, rather than "on or between" was error when the Indictment alleged "on or between" and when evidence existed in the record that victim was elsewhere during this precise time frame, i.e., inverse alibi, and it was part of the defense that the victim's contentions were impossible.

The trial court denied the defense's request to strike the instruction.

3. Whether there was sufficient evidence to support the conviction for rape, in light of the testimony of the alleged victim at trial, describing at best only sexual contact and no penetration.

The trial court denied the motion for judgment of acquittal.

4. Whether the court erred when it allowed investigating officer to testify how the statements of victims are likely to change as an investigation progresses when the alleged victim's statements were inconsistent.

The trial court overruled the defense objection.

5. Whether the court erred in allowing child interviewer to testify that it did not cause her any great concern that the alleged victim had changed her statement about the location of the event, when the opinion related to the direct testimony of this child at trial and was not in the form of characteristics of an abused child, and when the interviewer testified she believed something happened at least twice.

The trial court overruled the defense objection.