

IN THE SUPREME COURT OF THE STATE OF OREGON

STATE OF OREGON,

Plaintiff-Petitioner on Review,

v.

KENNETH JAMES HARRIS,

Defendant-Respondent on Review.

Deschutes County Circuit
Court No. 12FE0978

CA No. A154977

SC No. S064377

MOTION—APPEAR *AMICI CURIAE*
IN SUPPORT OF THE STATE OF OREGON’S BRIEF ON THE MERITS

Review of the Decision of the Court of Appeals from a Judgment of the Circuit
Court for Deschutes County,
Honorable ALTA J. BRADY, Judge

Opinion filed: July 20, 2016

Author of Opinion: DUNCAN, P.J.

Before DUNCAN, Presiding Judge, and LAGESEN, Judge, and FLYNN, Judge

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Pursuant to Oregon Rule of Appellate Procedure 8.15(1), the National Crime Victim Law Institute, AEquitas, and the Oregon Crime Victims Law Center respectfully apply for permission to file the accompanying Proposed Brief of *Amici Curiae* in Support of the State of Oregon's Brief on the Merits under ORAP 9.17.

STATEMENTS OF INTEREST

The National Crime Victim Law Institute (NCVLI) is a nonprofit educational and advocacy organization located at Lewis and Clark Law School, in Portland, Oregon. NCVLI's mission is to actively promote balance and fairness in the justice system through crime victim-centered legal advocacy, education, and resource sharing. NCVLI accomplishes its mission through education and training; promoting the National Alliance of Victims' Rights Attorneys and Advocates; researching and analyzing developments in crime victim law; and providing information to crime victims and crime victims' attorneys through its website, www.ncvli.org. NCVLI also participates as *amicus curiae* when a case presents crime victims' rights issues of national or statewide importance.

AEquitas is a technical assistance provider for prosecutors, law enforcement, advocates, and allied professionals who are called upon to respond to crimes of domestic violence, sexual violence, stalking, human trafficking, and related offenses. Funded in part by the United States

Department of Justice Office on Violence Against Women, AEquitas provides training, research assistance, consultation services, and other resources in an effort to improve the investigation and prosecution of these offenses by incorporating best practices based upon the most current research in the disciplines of law, social science, medicine, forensic sciences, police science, and related fields.

The Oregon Crime Victims Law Center (the Center) is a nonprofit organization that provides crime victims across Oregon with no-cost legal representation in asserting and enforcing their rights in criminal proceedings in Oregon's state, federal and tribal courts, including issues surrounding the right to restitution. The Center also provides victims with non-legal assistance. A significant number of the Center's cases include representation of child-victims.

This case involves issues that are fundamental to the interests of all crime victims in Oregon, including their constitutional interests in being treated with dignity and respect and in maintaining agency throughout criminal justice proceedings. This Court's decision will impact crime victims throughout the state who are subpoenaed to testify in a criminal case. *Amici* submit this brief in aid of the Court's task of determining the correct rule of law governing unavailability determinations when a victim-witness has been successfully served with a subpoena but does not appear to testify.

For the foregoing reasons, *Amici* respectfully request permission to file the accompanying proposed brief in support of the State of Oregon's Brief on the Merits.

Date: January 24, 2017

Respectfully submitted,

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NOTICE OF FILING AND PROOF OF SERVICE

I hereby certify that on January 24, 2017, I directed the foregoing MOTION – APPEAR *AMICI CURIAE* IN SUPPORT OF THE STATE OF OREGON’S BRIEF ON THE MERITS to be electronically filed with the Appellate Court Administrator, Appellate Records Section.

I further certify that I electronically served the document, using the court’s eFiling system, pursuant to Rule 16.45, upon the following persons:

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