

6 THE COURT: Then before the Court is Commonwealth's  
7 Motion In Limini, which in general terms seeks to prohibit  
8 the defendant from exploring the psychiatric background of the  
9 alleged victim in this case. Have I said it properly?

10 MR. LEMIRE: That's correct, Your Honor.

11 THE COURT: I'll hear you, Mr. Lemire.

12 MR. LEMIRE: Your Honor, there is reference in  
13 the actual police reports by the victim's daughter, that her  
14 mother had a psychiatric history after a nervous breakdown  
15 approximately twenty years ago. She had been in an institution.  
16 I am just trying to find my notes here. In an institution  
17 in Gardner. She was --

18 THE COURT: That was twenty years ago?

19 MR. ETTEBERG: Fourteen, I think it is, Judge. She  
20 was in the Gardner State Hospital approximately twenty-three  
21 years ago, seven months, in and out.

22 THE COURT: Seven years ago?

23 MR. LEMIRE: Twenty-three years ago, seven months in and

1 out. Then went to work at Stowe Rest Home for thirteen.  
 2 I am sorry, thirteen or fourteen years, she worked at Stowe  
 3 Rest Home. She worked for approximately ten years. She  
 4 was on a low dosage of anti-psychotic type medicine. She  
 5 was on a very low dosage up through two to two and a half  
 6 years ago on the anti-psychotic, at which point off the  
 7 anti-psychotic two or two and a half years, on her own in  
 8 an apartment complex, at least two years prior to the incident.  
 9 Only since this incident she has had trouble with her daughter.  
 10 They don't get along. She needed some support and went back  
 11 to the CTP, Community Treatment part of the Herbert Lipton(phonetic)  
 12 Mental Center, Fitchburg or Leominster. She is again living  
 13 under counseling since the rape, only since the rape.

14 So basically what I am asking is because she had for  
 15 at least two years prior to this incident not any psychiatric  
 16 problems, was not on any medication, I don't think it's  
 17 relevant at this point, how her psychiatric history should  
 18 be brought forward. It appears prejudicial, demeaning in the  
 19 juror's' eyes. It does not serve as any exception to any  
 20 rule of impeaching a person. I would say it is causing  
 21 a prejudice to her position and causing her to be suspect  
 22 because of a mental health condition, which was treated and  
 23 was not under any treatment for two years prior to the rape.

1 I don't think it should be twenty years ago she was seeking  
2 mental treatment, mental health treatment.