

[REDACTED]

[REDACTED]



[Redacted text]

[Redacted text]

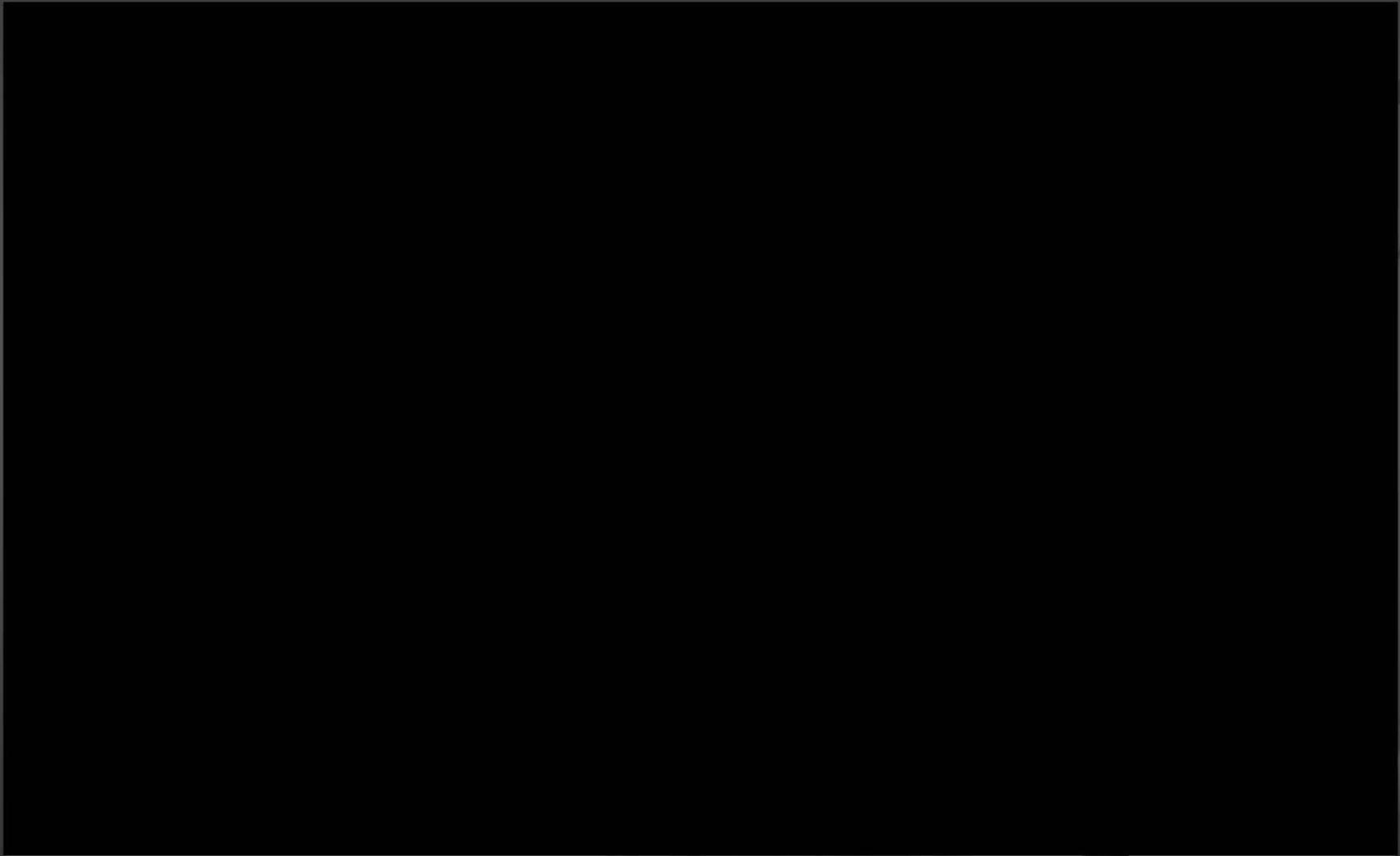




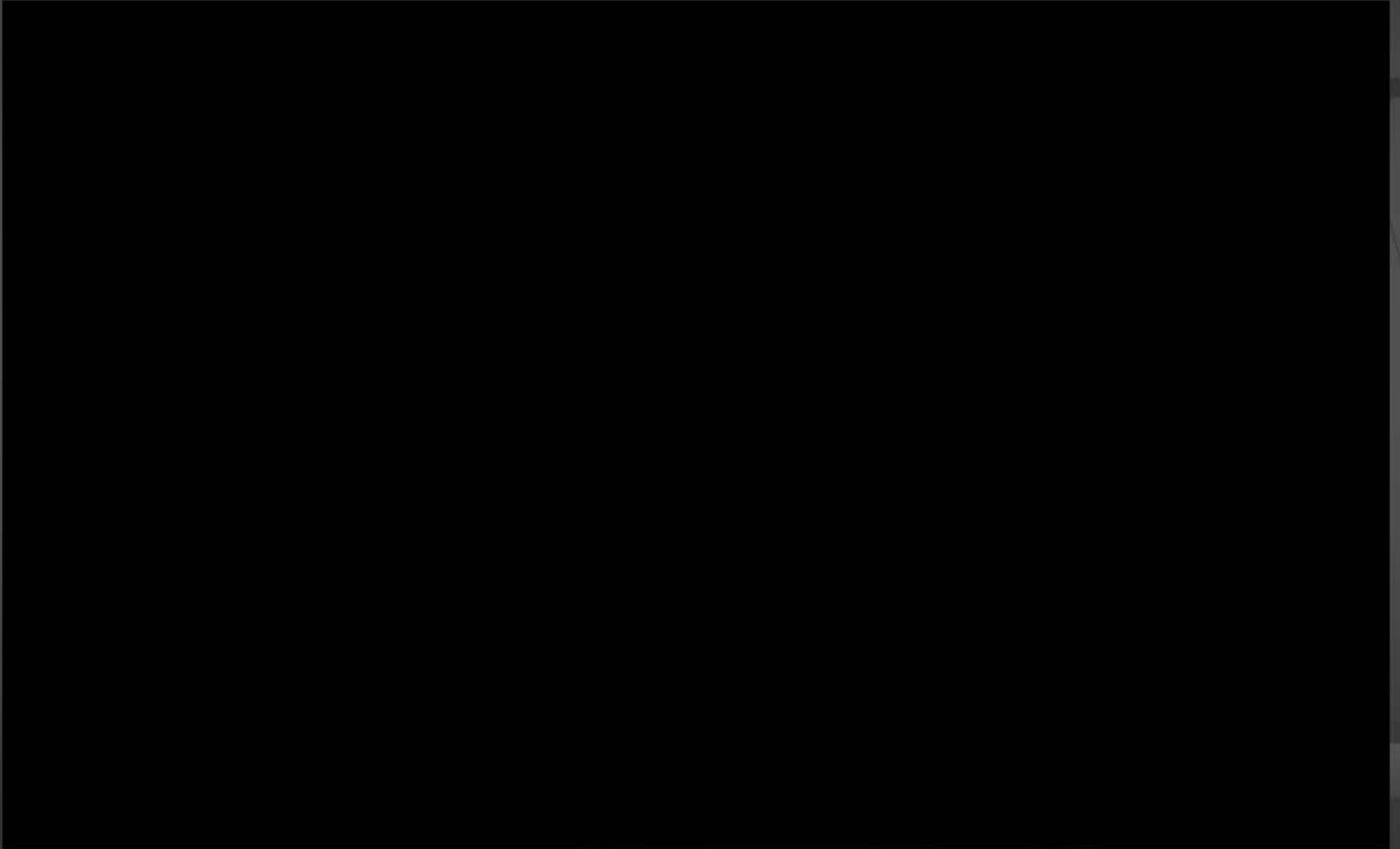
# People v. Jose Jaurique

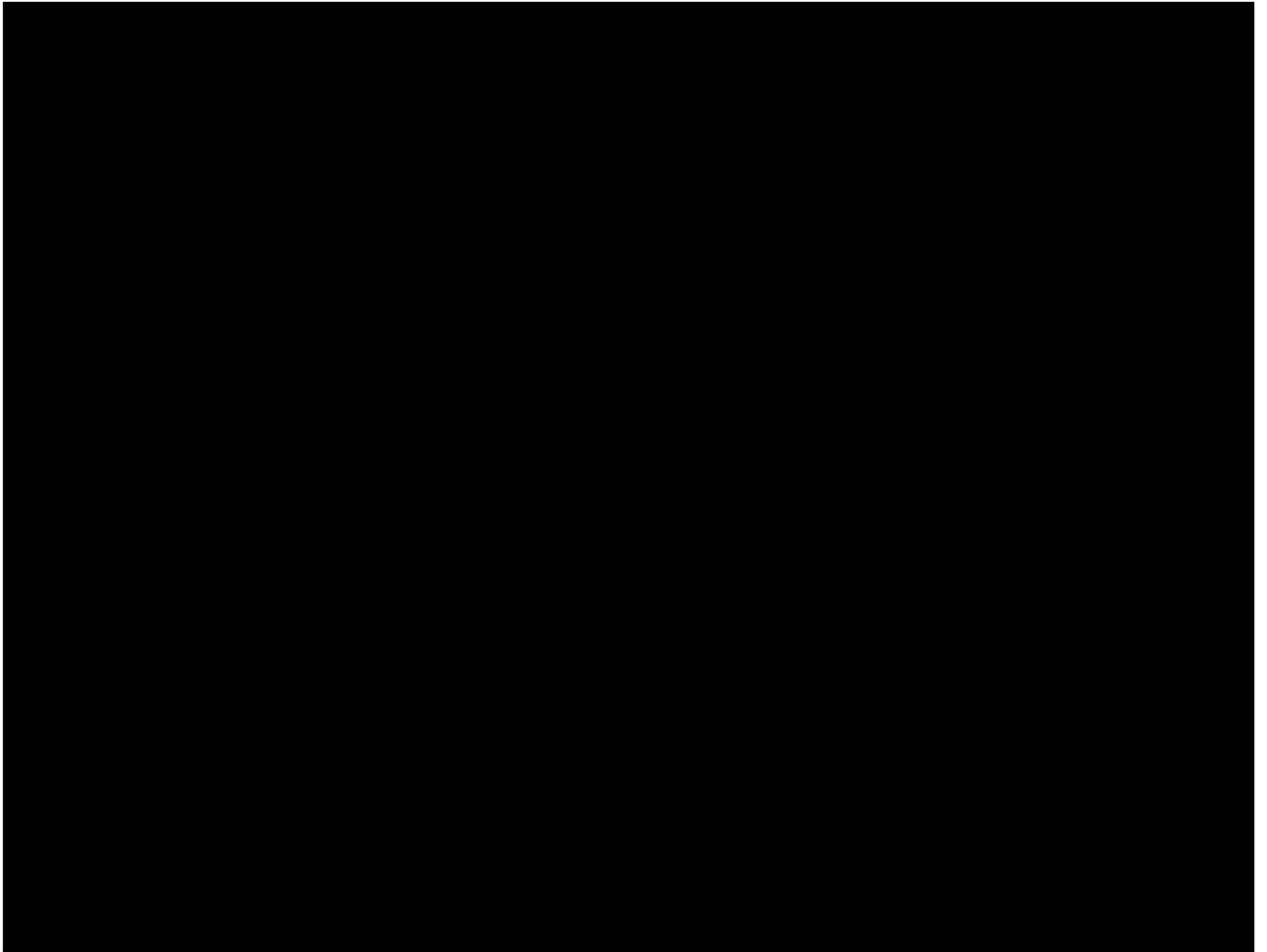


# People v. Jose Jaurique



# People v. Jose Jaurique





# People v. Jose Jaurique



# People v. Jose Jaurique



# People v. Jose Jaurique



# People v. Jose Jaurique



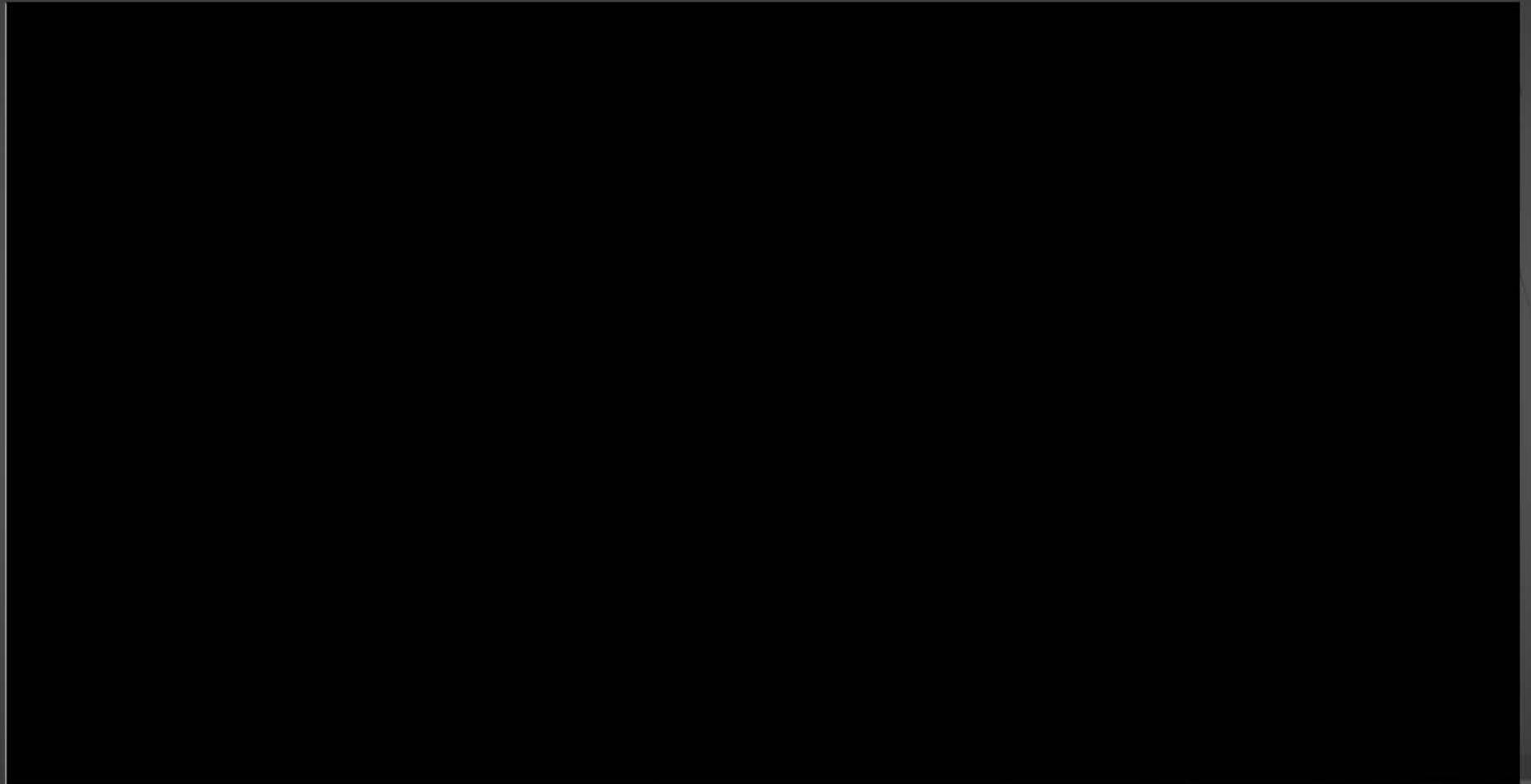
# People v. Jose Jaurique



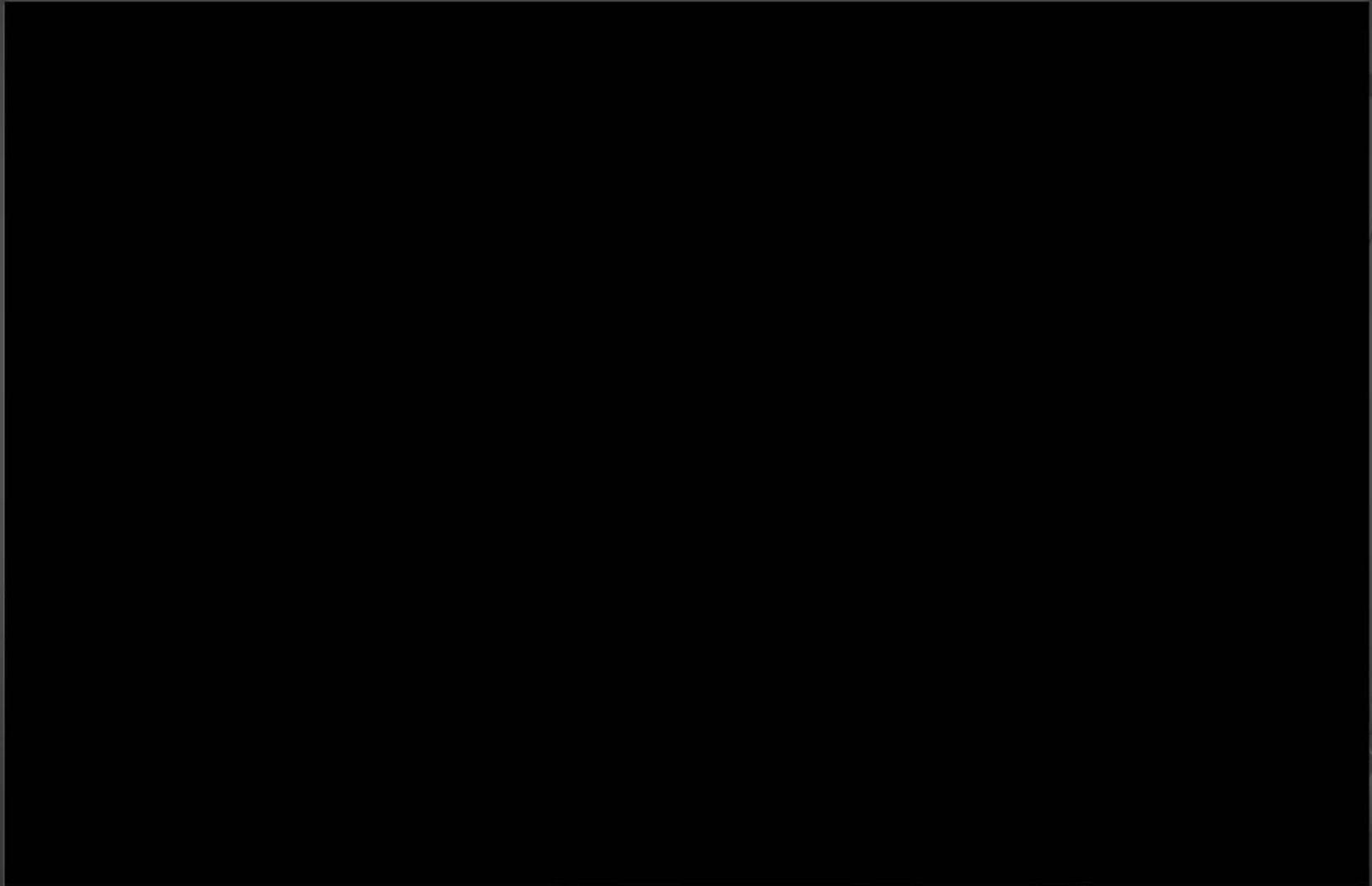
# People v. Jose Jaurique



# People v. Jose Jaurique



# People v. Jose Jaurique

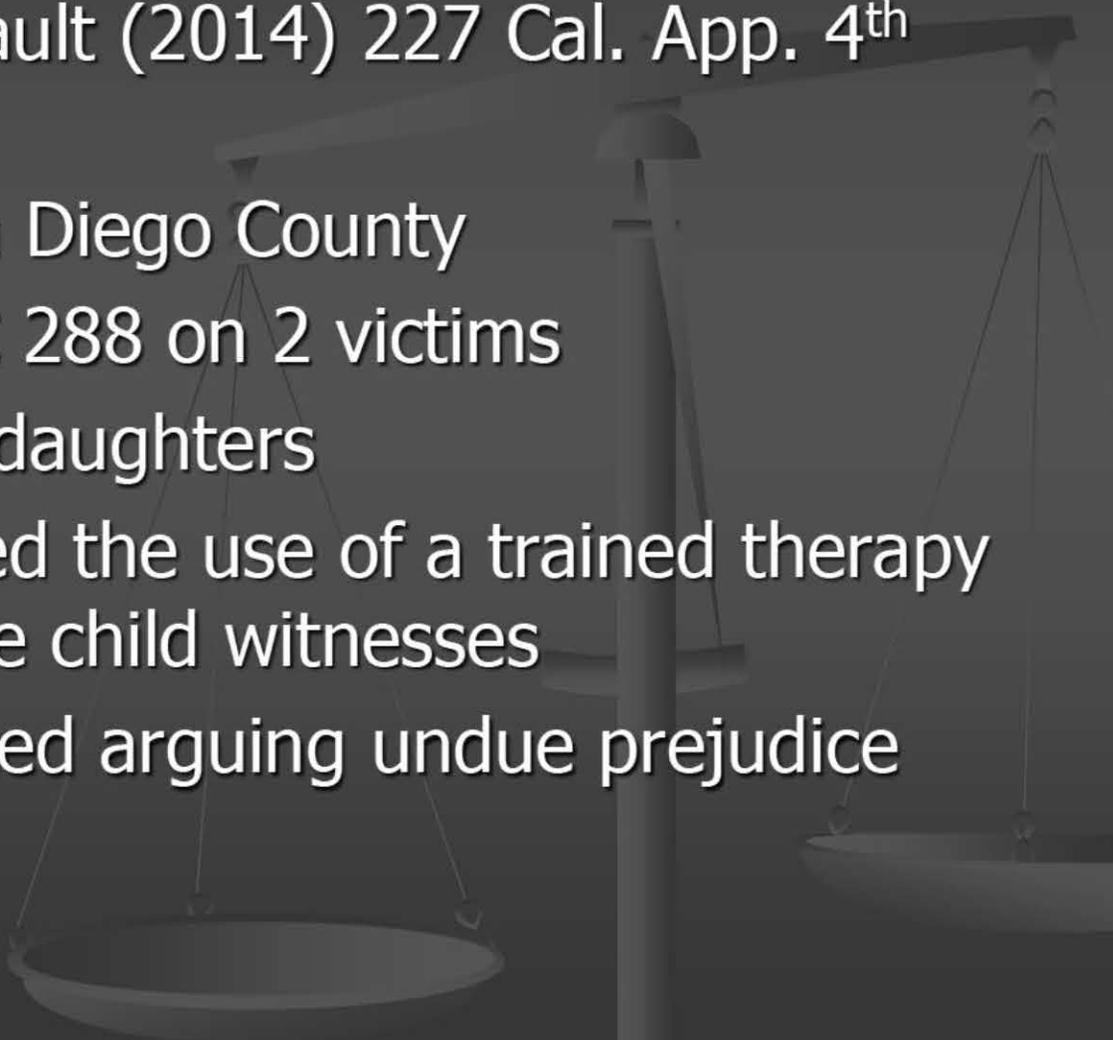


# People v. Jose Jaurique



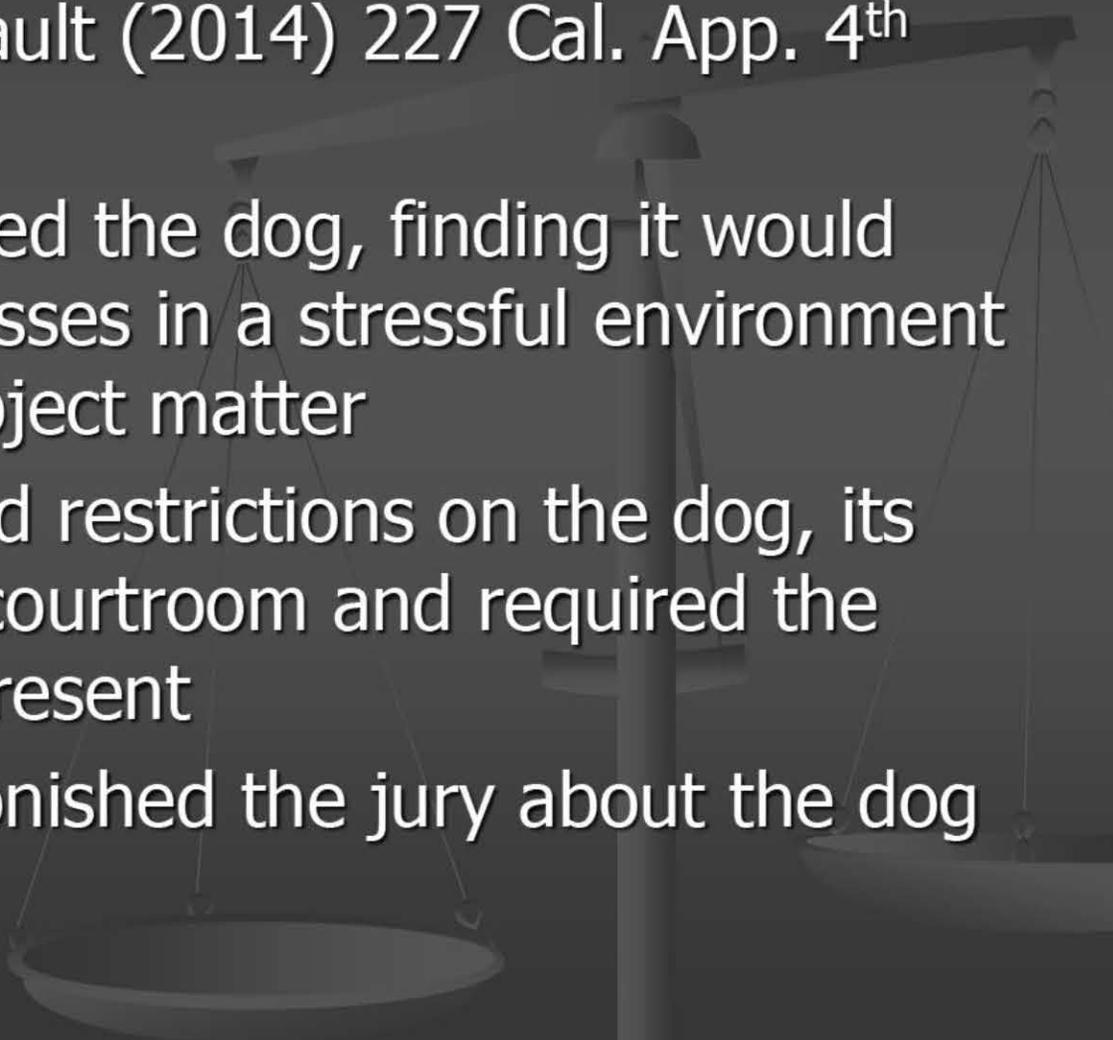
What does all this mean?

# The Law



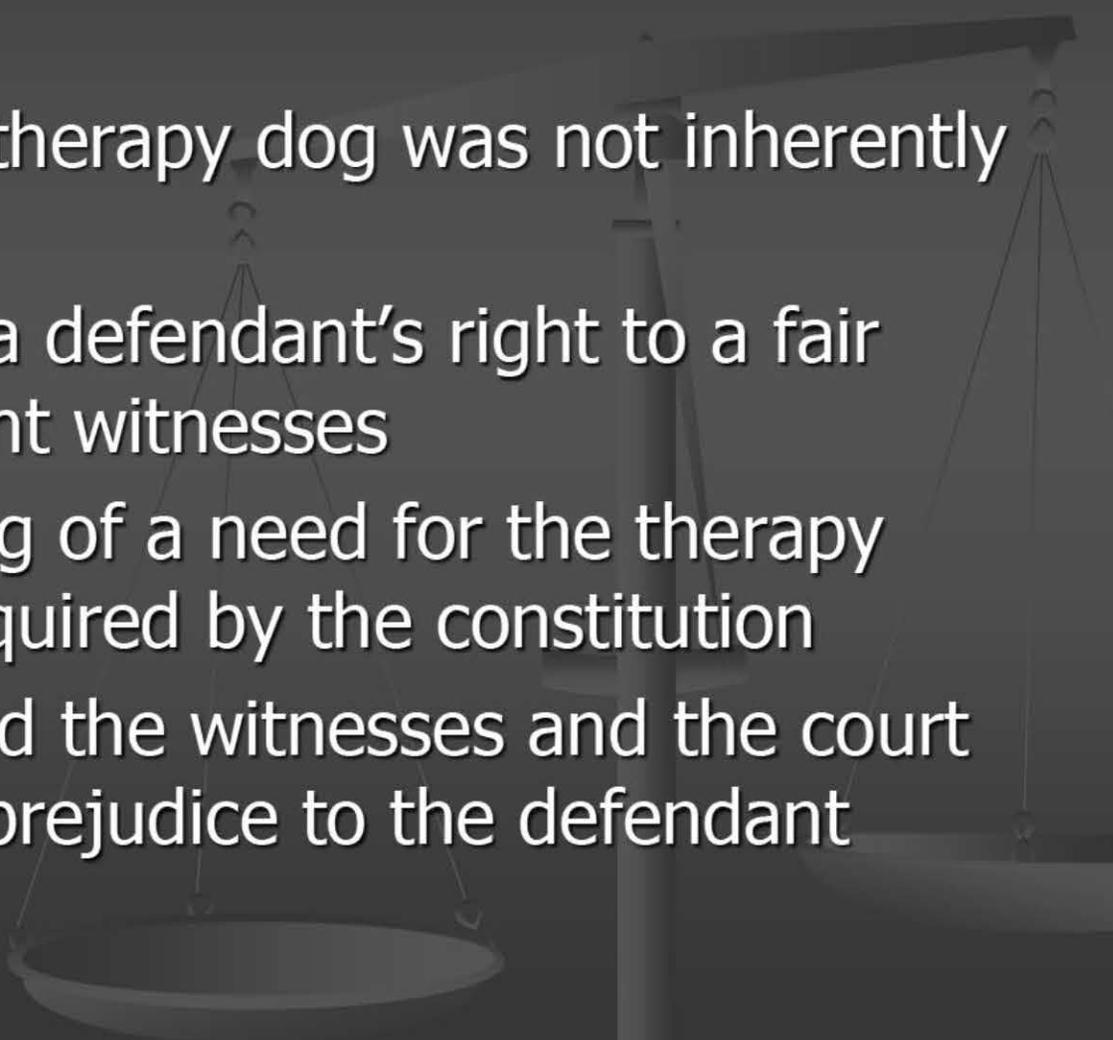
- People v. Chenault (2014) 227 Cal. App. 4<sup>th</sup> 1503
- Case out of San Diego County
- 13 counts of PC 288 on 2 victims
- Bio Dad on bio daughters
- People requested the use of a trained therapy dog to assist the child witnesses
- Defense objected arguing undue prejudice

# The Law



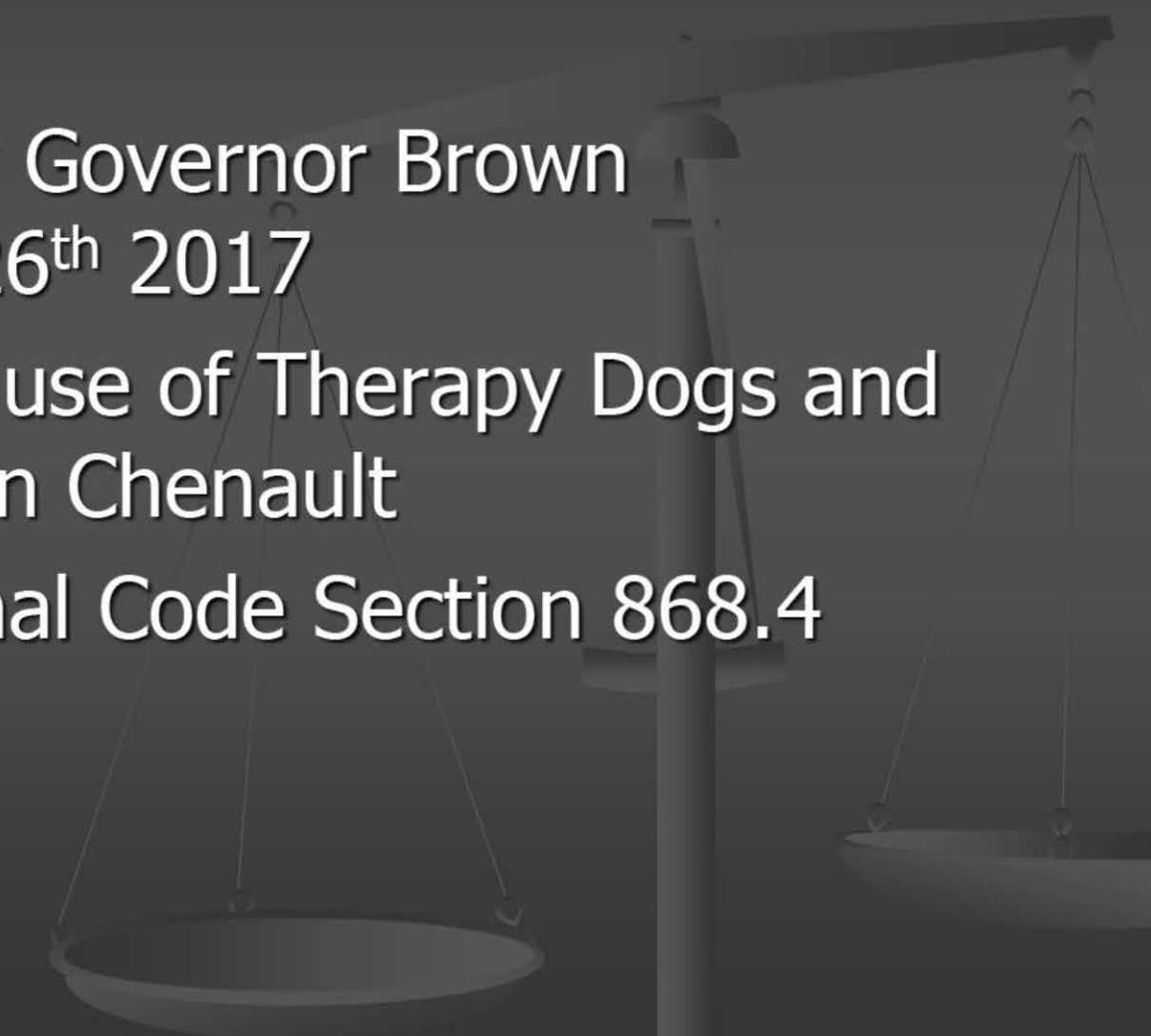
- People v. Chenault (2014) 227 Cal. App. 4<sup>th</sup> 1503
- The court allowed the dog, finding it would assist the witnesses in a stressful environment and difficult subject matter
- The court placed restrictions on the dog, its location in the courtroom and required the handler to be present
- The court admonished the jury about the dog

# The Law



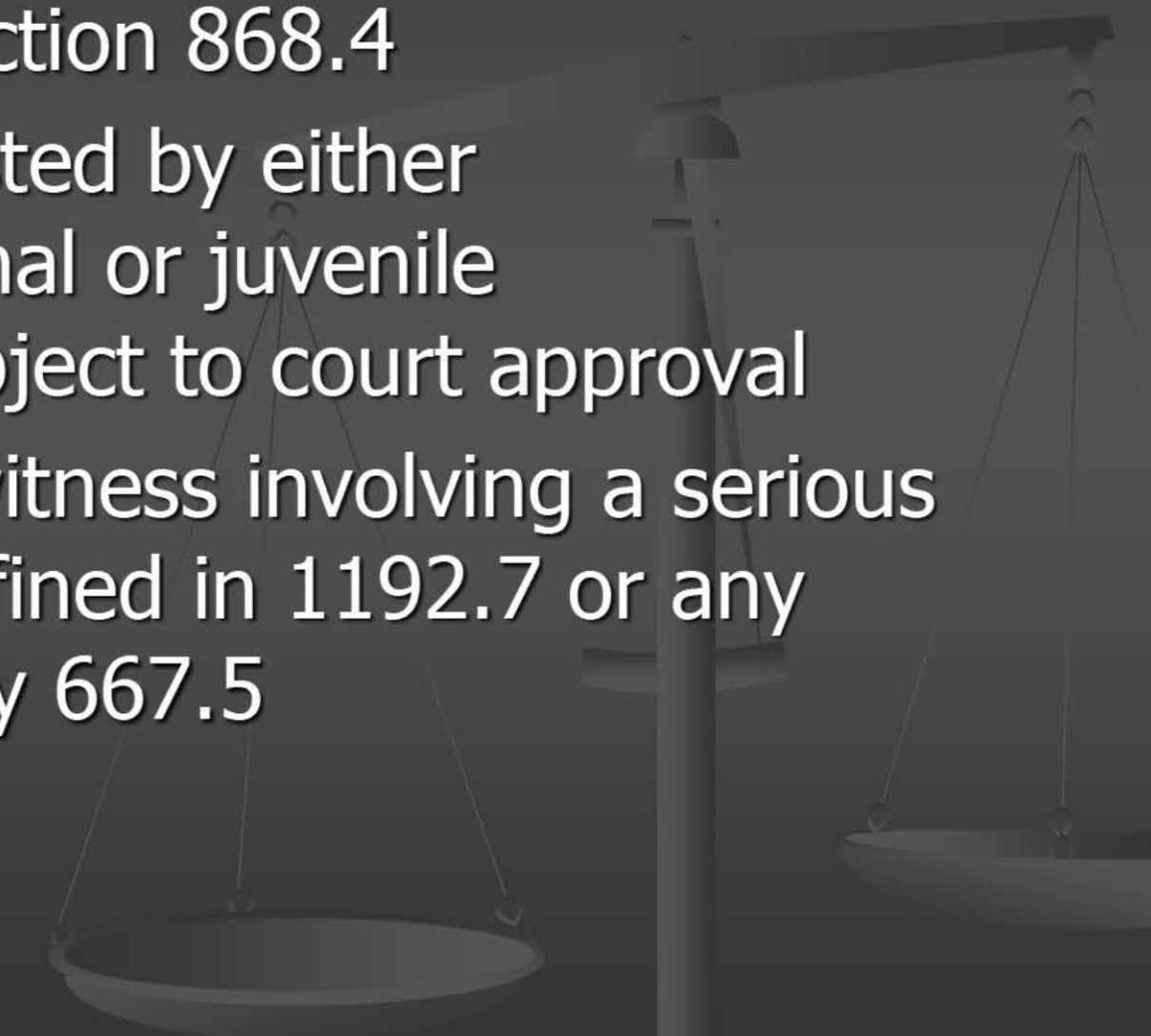
- Holding:
- The use of the therapy dog was not inherently prejudicial
- Did not violate a defendant's right to a fair trial and confront witnesses
- A specific finding of a need for the therapy dog was not required by the constitution
- The dog assisted the witnesses and the court minimized any prejudice to the defendant

# The Law



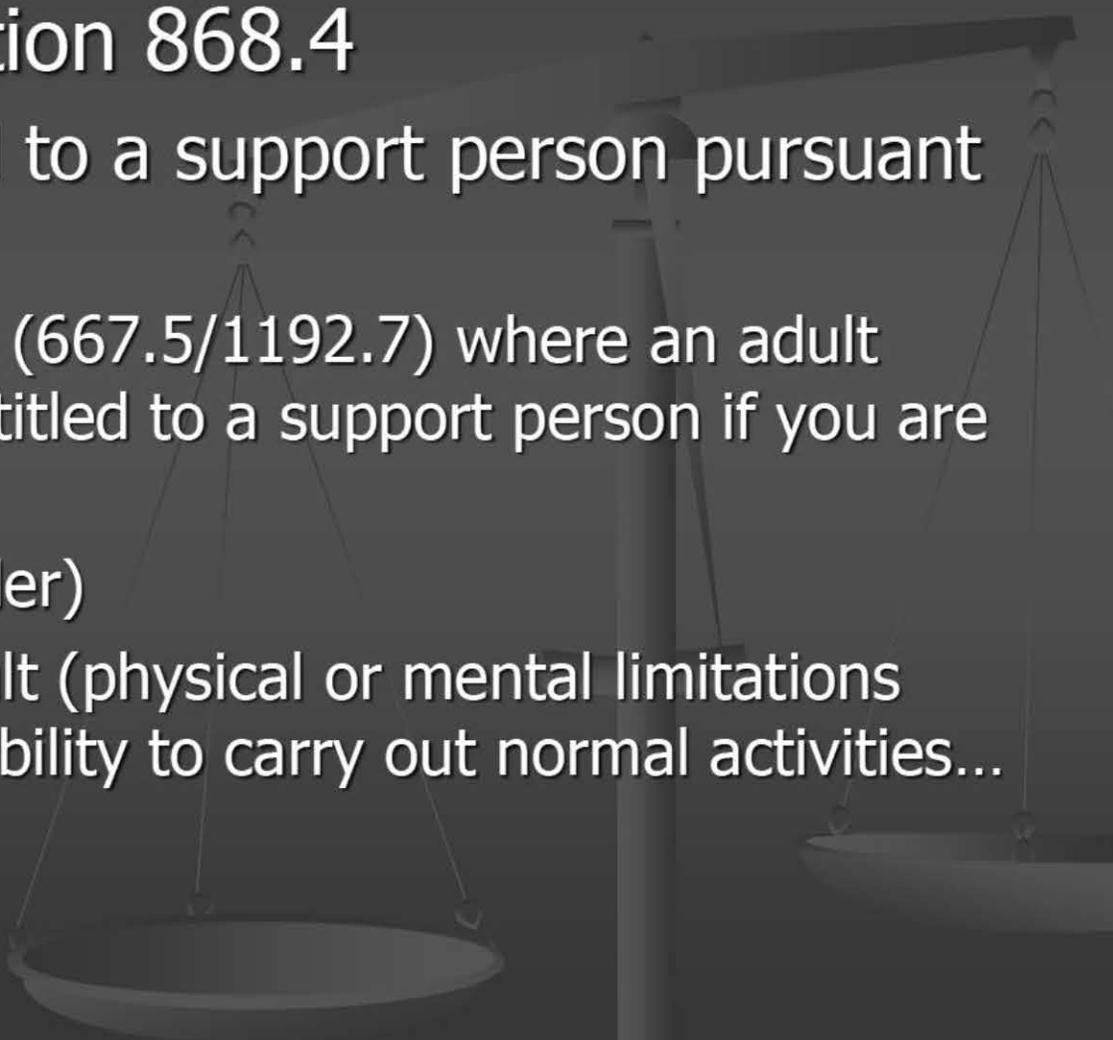
- AB 411
  - Approved by Governor Brown September 26<sup>th</sup> 2017
  - Codified the use of Therapy Dogs and the holding in Chenault
  - It added Penal Code Section 868.4

# The Law



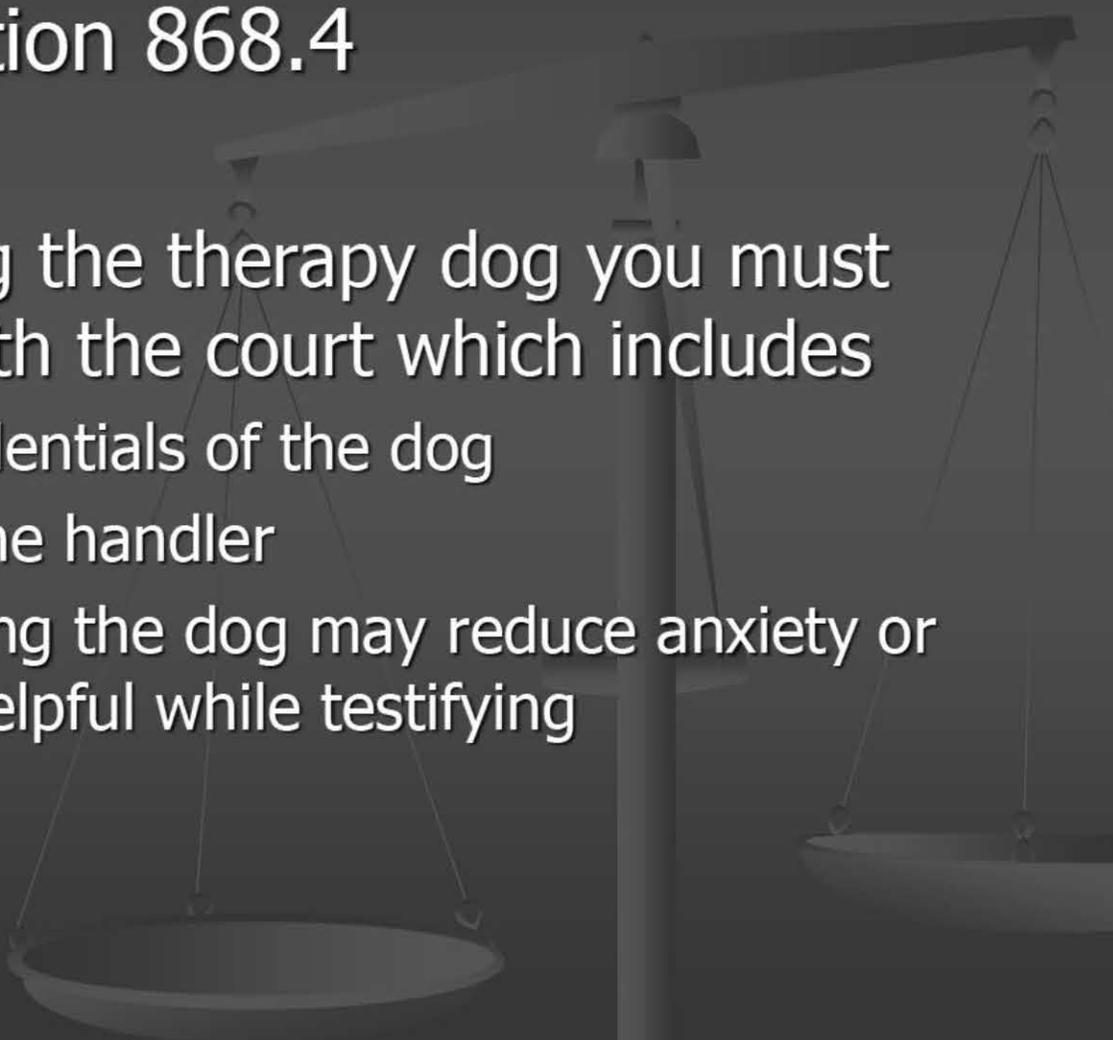
- Penal Code Section 868.4
  - (a) If requested by either party...criminal or juvenile hearing...subject to court approval
  - (1) A child witness involving a serious felony as defined in 1192.7 or any violent felony 667.5

# The Law



- Penal Code Section 868.4
  - (2) or a entitled to a support person pursuant to PC 868.5
    - List of offenses (667.5/1192.7) where an adult witnesses is entitled to a support person if you are either a...
      - Elder (65 or older)
      - Dependent Adult (physical or mental limitations which restrict ability to carry out normal activities...

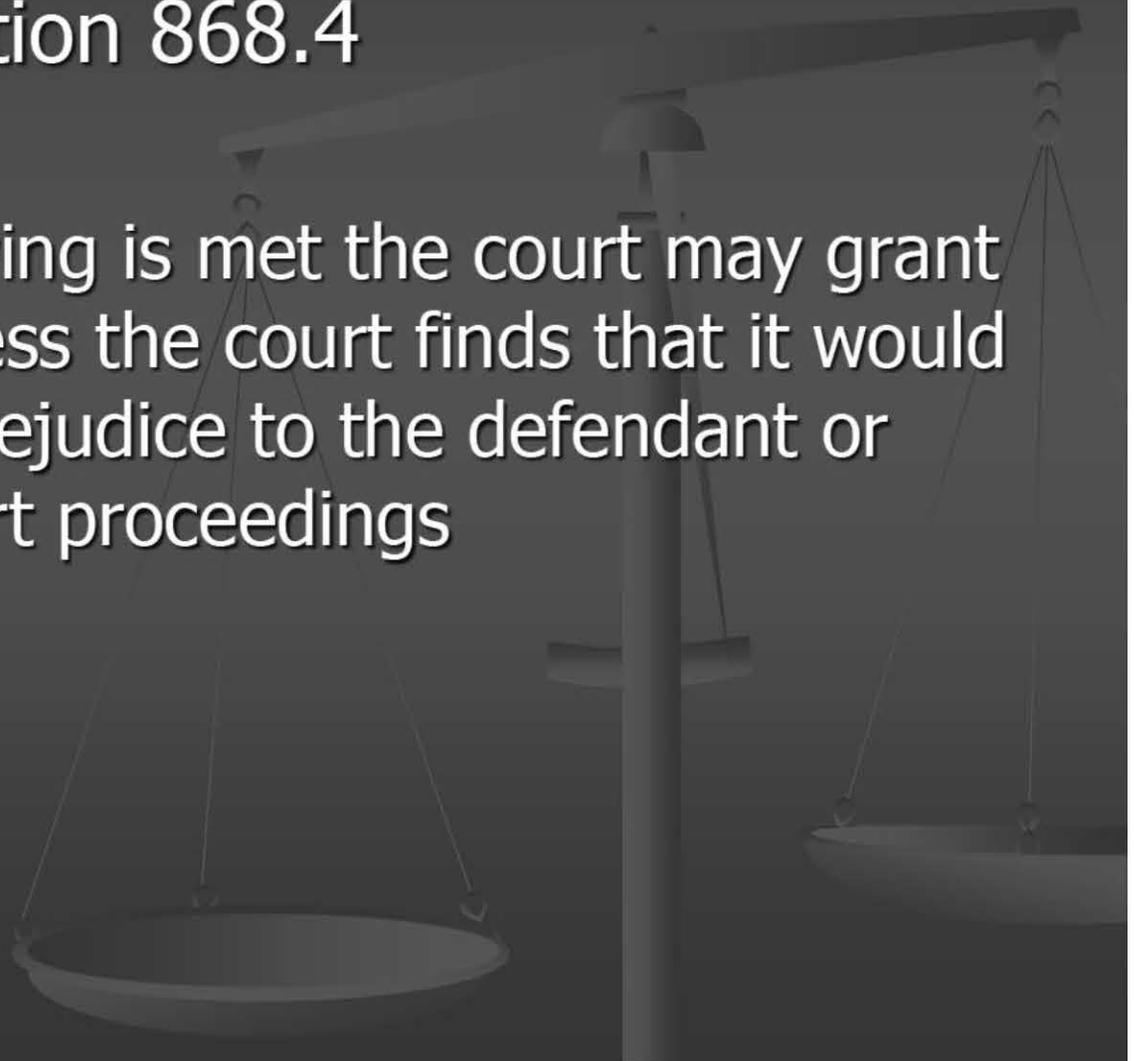
# The Law



- Penal Code Section 868.4
  - (b) Before using the therapy dog you must file a motion with the court which includes
    - 1) training/credentials of the dog
    - 2) training of the handler
    - 3) facts justifying the dog may reduce anxiety or otherwise be helpful while testifying

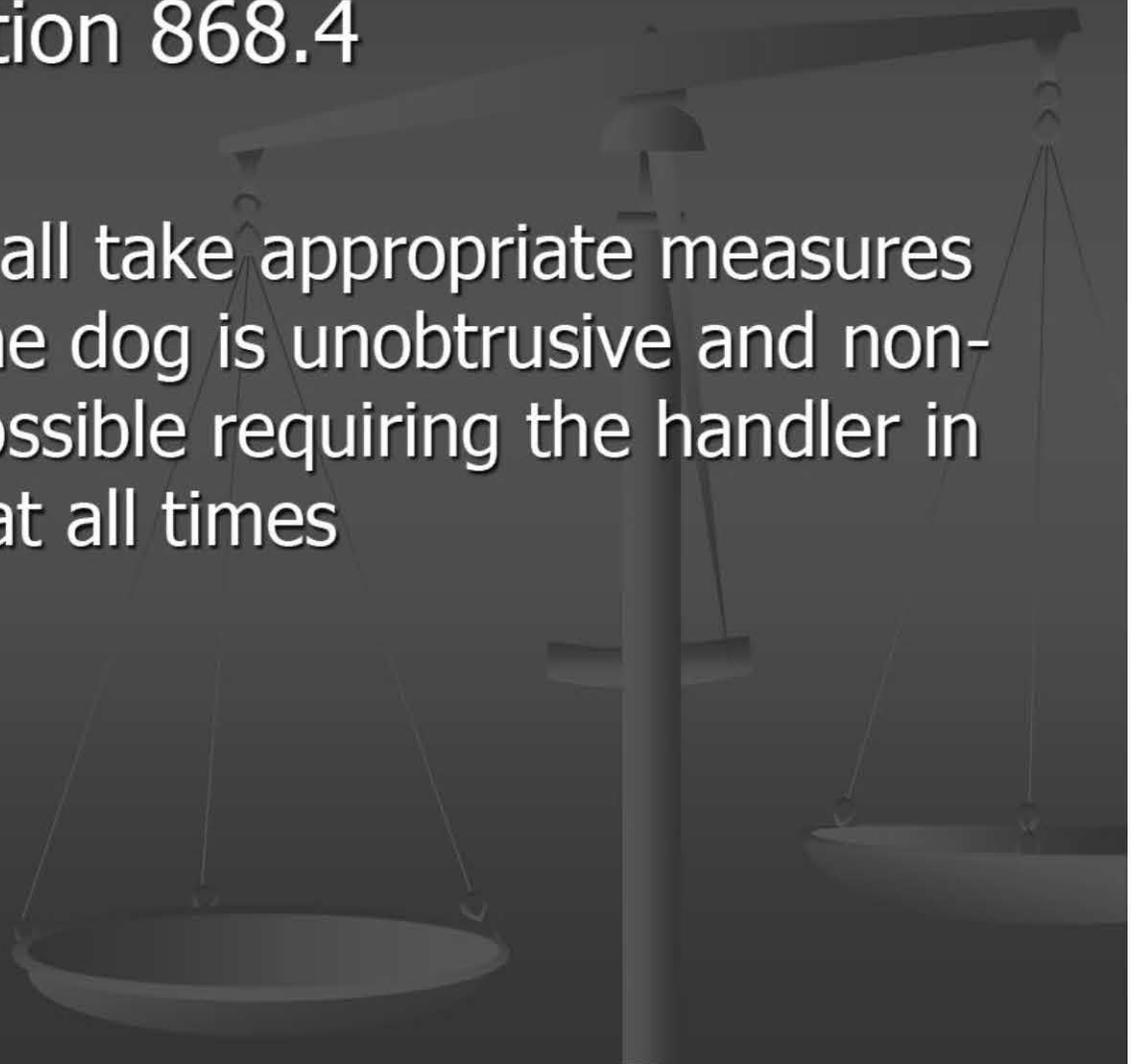
# The Law

- Penal Code Section 868.4
  - (c) If the following is met the court may grant the motion unless the court finds that it would cause undue prejudice to the defendant or disrupt the court proceedings



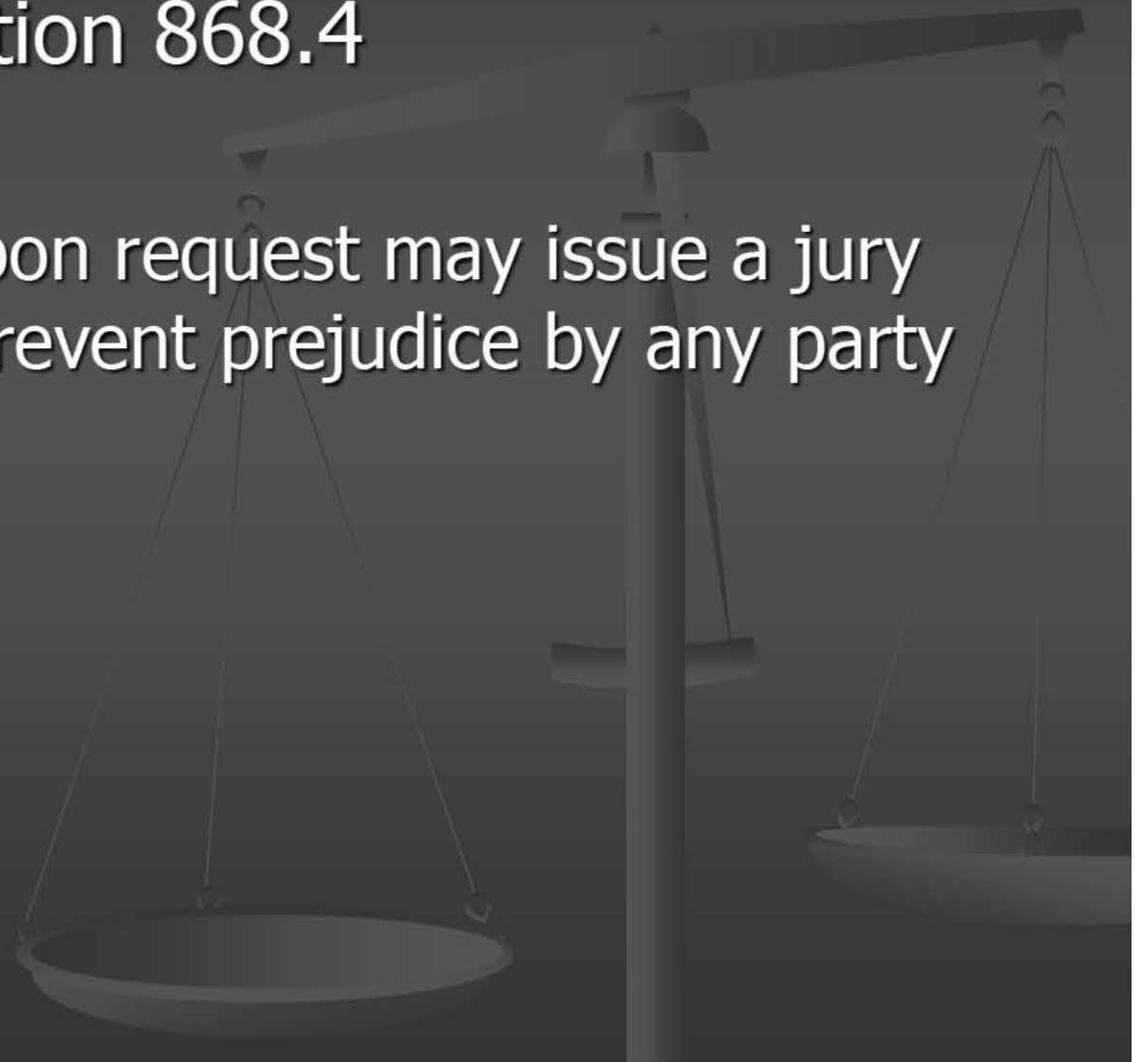
# The Law

- Penal Code Section 868.4
  - (d) The court shall take appropriate measures to make sure the dog is unobtrusive and non-disruptive as possible requiring the handler in the courtroom at all times



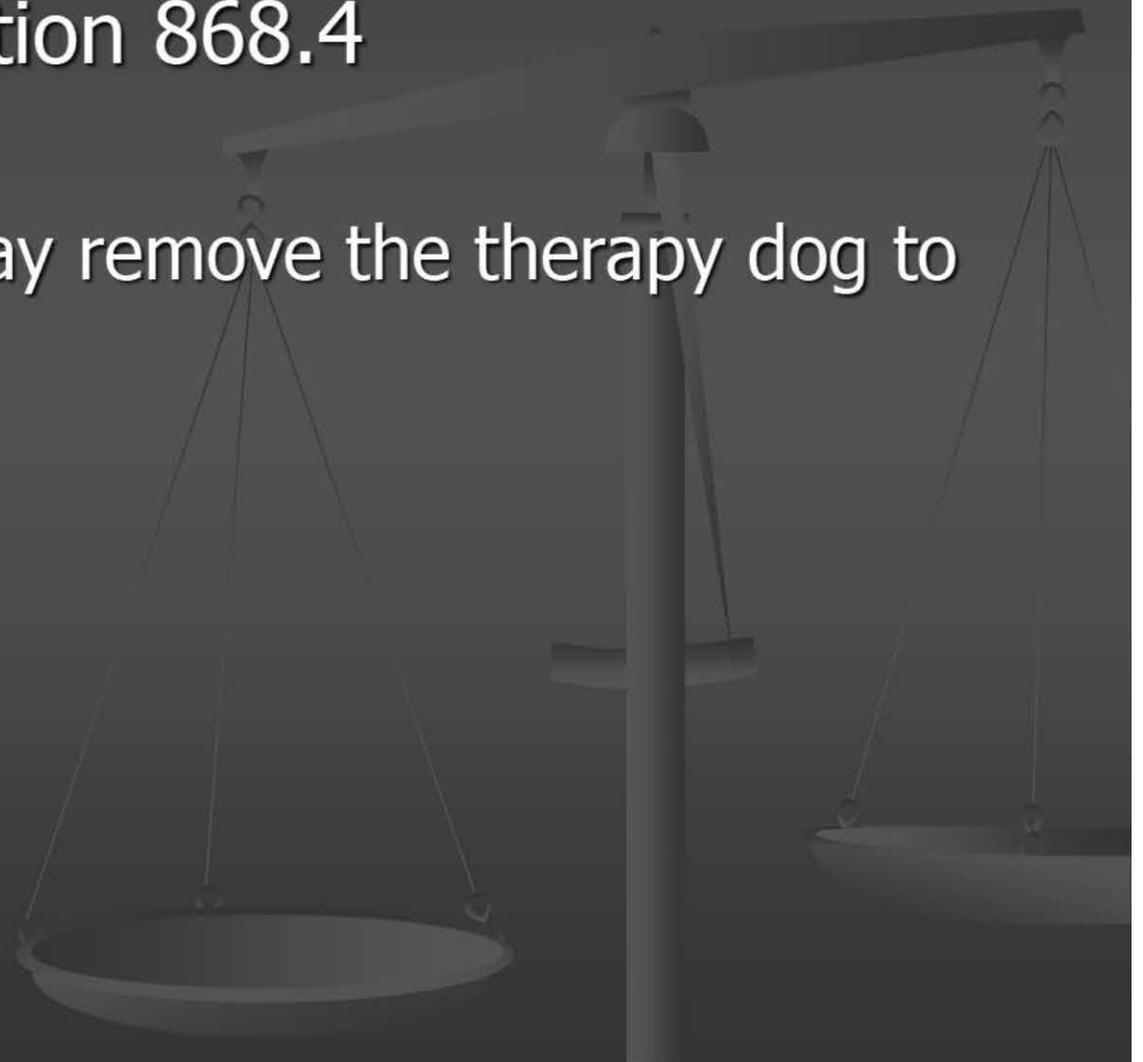
# The Law

- Penal Code Section 868.4
  - (e) The court upon request may issue a jury instruction to prevent prejudice by any party



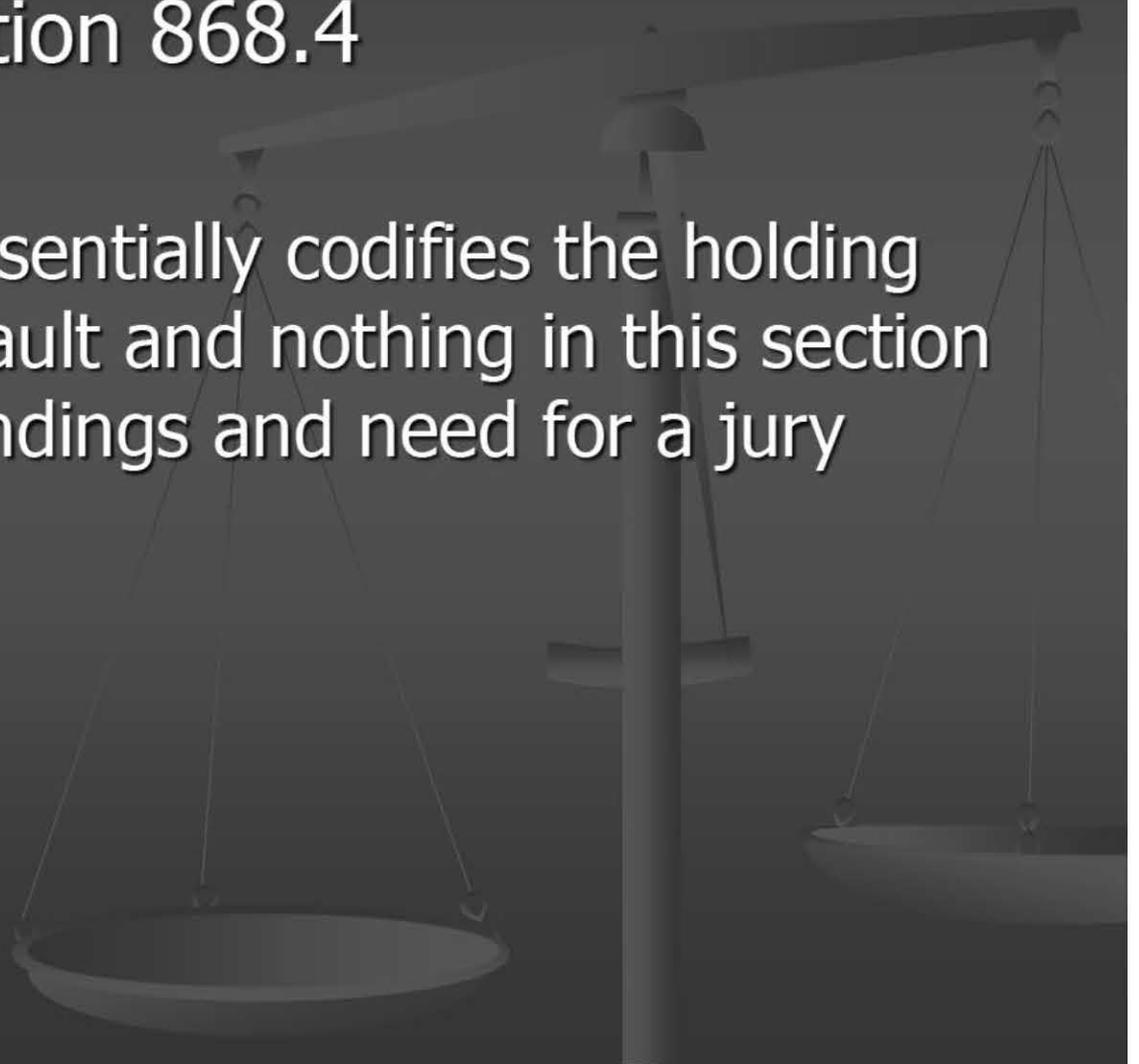
# The Law

- Penal Code Section 868.4
  - (f) the court may remove the therapy dog to maintain order



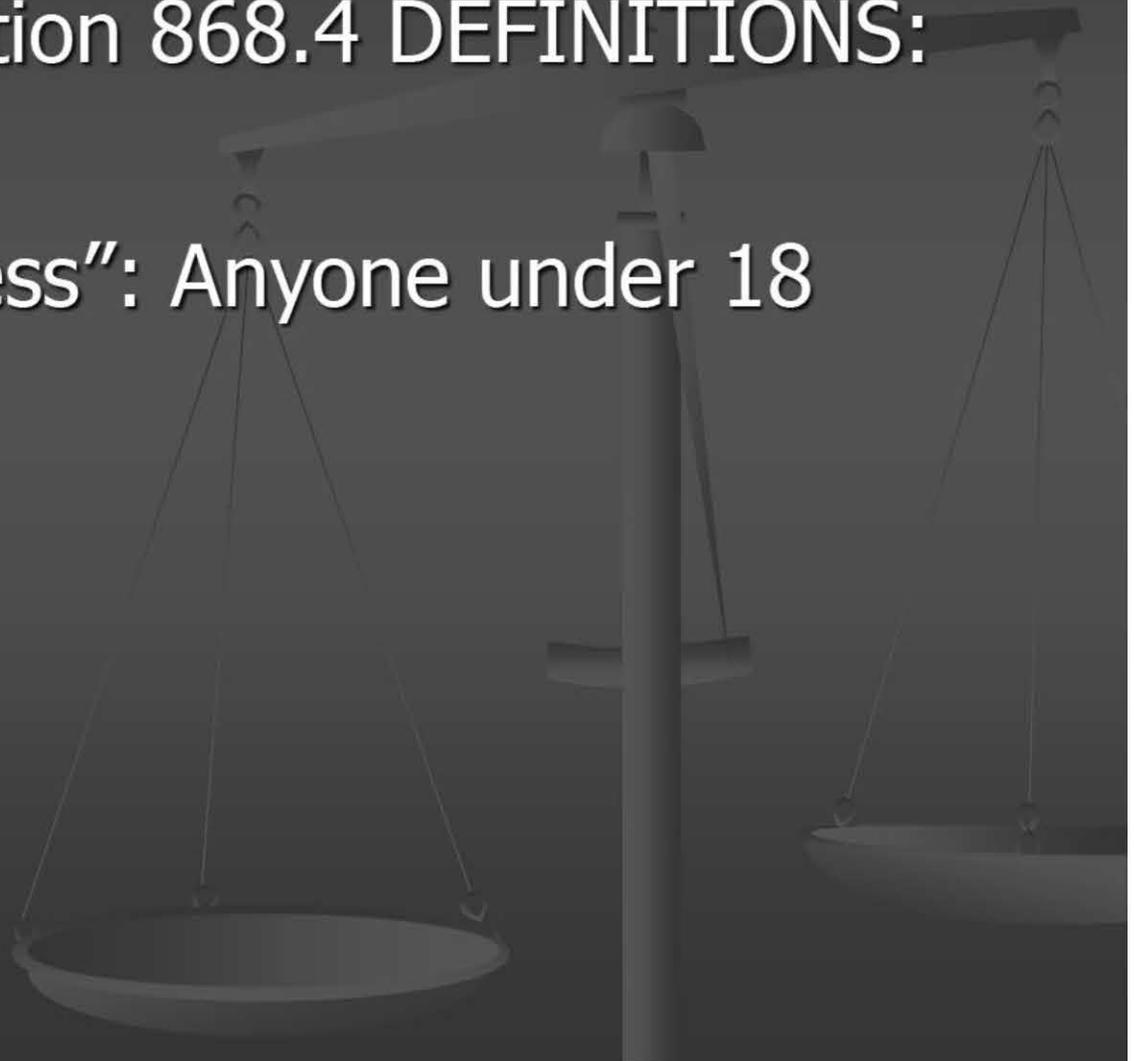
# The Law

- Penal Code Section 868.4
  - (g) (1) & (2) essentially codifies the holding People v. Chenault and nothing in this section abrogates its findings and need for a jury instruction



# The Law

- Penal Code Section 868.4 DEFINITIONS:
- (1) “Child Witness”: Anyone under 18



# The Law

- Penal Code Section 868.4 DEFINITIONS:
- (3) “Handler” a person who has completed training on offering animal assistance from accredited by Assistance Dogs International, Therapy Dogs Incorp or similar non profit organization..

# The Law

- Penal Code Section 868.4 DEFINITIONS:
- (4) “Therapy Dog” a person who has completed training or certification in providing emotional support therapy for not less than 1 year.

