



Wednesday Oct. 17, 2007

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September 2007 Criminal cases pending in N.J. Supermem Court

CRIMINAL CASES PENDING IN N.J. SUPREME COURT

EVIDENCE

State v. Franklin J. Burr, II

Docket No. 61,196

Certification granted (State) September 7, 2007 (392 N.J. Super. 538 (App. Div. 2007)) Vincent J. Sanzone, Jr.

Whether the trial court committed reversible error in excluding **expert testimony regarding defendant's diagnosis of Asperger's Disorder** because the expert evidence did not suggest, and defendant did not argue, that his mental condition served to negate the mental state required for the charged crime, but could have **effectively negated the inference that defendant had the improper motive of seeking sexual gratification?** Whether allowing the **video replay [of the alleged victim's pre-trial interview with a social worker during jury deliberations]** may have unduly prejudiced defendant?