

Girl, 4, Is Held Competent To Testify at Rape Trial

NEW ORLEANS (AP) — A state judge has ruled that a 4-year-old girl is competent to testify against the man charged with raping her, but has disqualified her 3-year-old brother as a witness.

Criminal District Court Judge Alvin Oser ruled Monday after a two-hour hearing in which the two children answered hesitantly, sometimes not at all, to questions by prosecution and defense attorneys.

Because of the child's answers at the hearing and before a grand jury earlier, Oser ruled she was competent to testify at the Thursday trial of Louis W. Ellis, charged with aggravated rape while babysitting with the girl at her home last year. "The criteria for qualification [of a witness] is on understanding, not on age," said Oser.

The girl's brother was reluctant to answer many questions, and did not respond when asked, "Do you know what a lie is?"

"In all good conscience," Oser told the attorneys, the boy "does not meet the qualifications . . . established by Louisiana. He is not qualified because of his tender age."