

Trial ordered on incest charges

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A Tulsa man must face trial on four incest counts, linked to accusations that he is the father of three children born since 2004 to a relative who is again pregnant.

At a preliminary hearing Monday, a Tulsa County judge heard testimony that Bert Miner, 48, has fathered five children, with that family member, who is now 27.

Assistant District Attorney Jack Thorp said that a statute of limitations prevents the prosecution of Miner on incest allegations involving the conception of two of the children, one in 2001 and 2002.

Special Judge Cliff Smith ordered Miner bound over for trial on four incest counts, involving accusations that Miner engaged in acts of sexual intercourse in Tulsa County with the same relative, resulting in children born in 2004, 2005 and 2006.

Miner has acknowledged that he is the father of all five children, Tulsa Police Detective Mark Mears testified.

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DNA paternity testing confirmed that the Defendant is the father of those children, police reported.

The Mother of the children- who shed tears before, during and after her testimony- said she is due to give birth to another baby in early June.

The woman indicated that she moved back to Oklahoma from Oregon in September, and since her return here no one other than Miner has had sexual intercourse with her.

Miner has been in the Tulsa Jail since Feb 5.

On his behalf, Assistant Public Defender Paula Keck Moore argued unsuccessfully Monday that the four felony counts filed by prosecutors should "merge" into a single count, and also that the statute of limitations should apply to three counts.

Oklahoma's statute of limitations for incest is 3 years. The applicability is suspended for time that a defendant resides outside of the state.

There was testimony that Miner moved to Oregon in 2005 and returned to Oklahoma in 2008.