**MOTION TO AMEND INFORMATION**

##### State of Wisconsin

PLEASE TAKE NOTICE that on the [DATE] the State of Wisconsin, plaintiff, will move the court pursuant to the provisions of Section 971.29(2), Wisconsin Statutes, to amend the information in the above-referenced criminal case to amend Counts One, Two, Three and Nine to allege dates of offense between February, 1999 and January, 2000, and to dismiss Counts Four through Eight and Ten of the information. Additionally, Count Three of the information is amended to allege a separate and distinct form of sexual contact as set forth in the amended information.

The State asserts that the basis for the amended information is that the State has received additional information through the investigation of this case indicating that the defendant did not begin residing at the residence where these alleged acts were to have taken place until February 1999. The prior information alleging the dates of various occurrences in 1998 and the summer of 1999 as set forth in Count Ten was based upon the child victim's disclosures prior to the scheduled preliminary hearing that he believed all such incidents occurred while he was in third grade at School and while he had a teacher named Mrs.

. School records reflect that this teacher taught the third grade at School for the alleged victim during the school year of Fall of 1998 through the Spring of 1999. During further investigation on November 17, 2001, the State learned that the alleged victim did not begin residing at the residence located at \_\_\_\_\_\_ Avenue in \_\_\_\_\_\_\_, Wisconsin until approximately February, 1999. The victim alleges that all such incidents occurred between him and the defendant at that residence in \_\_\_\_\_\_\_ and while he attended School. The victim's school records further indicate that in January, 1999, he transferred to School. Based upon prior statements provided by the victim to law enforcement officers indicating that these offenses occurred in various time periods during 1999, it is believed that the evidence at trial would reflect the time periods for the alleged offenses as set forth in the amended information, whereby the State respectfully moves the court to amend the information to prove at trial to the alleged dates.

[DATED].

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Assistant District Attorney