**STATE’S RESPONSE TO DEFENDANT’S MOTION TO**

**DISMISS THE CHARGES BASED ON LACK OF SPECIFICITY**

##### Commonwealth of Pennsylvania

**Court of Common Pleas**

**Philadelphia County**

The Commonwealth opposes the defendant’s motion to dismiss the charges based on lack of specificity of the bills of information as to the dates of the occurrences and states as follows:

1. On [DATE], the defendant was arrested and charged with sexual offenses stemming from his alleged sexual assaults of a brother and sister, [VICTIMS], then [AGES]. Those sexual assaults occurred on a continuing basis from approximately [DATE OR DATE RANGE].
2. On [DATE], the defendant requested that the Commonwealth provide a bill of particulars, outlining the exact dates and times of the alleged offenses.
3. The Commonwealth filed its answer to the request for a bill of particulars. The answer is attached hereto.
4. The defendant’s motion to dismiss the charges must be denied. Recent case law acknowledges that when the precise date of the offense is unknown or if the offense is a *continuing* one, allegations that the offense occurred on or about any date within the fixed statute of limitations period is sufficient.

WHEREFORE, the Commonwealth requests that this Court deny defendant’s motion to dismiss.

Dated:

Respectfully submitted,

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Assistant District Attorney