



**COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA : **CRIMINAL DIVISION**
:
v. : **No: CP-14-CR-2422-2011**
:
GERALD A. SANDUSKY :

COMMONWEALTH'S MOTION TO AMEND INFORMATION

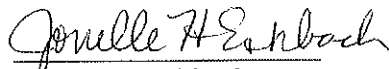
And now, this 12th day of January, 2012, comes the Commonwealth of Pennsylvania, by and through its agent, Senior Deputy Attorney General Jonelle H. Eshbach, who respectfully states the following:

1. The above-named Defendant is presently charged in a Bill of Information filed January 10, 2012, with Involuntary Deviate Sexual Intercourse, (Title 18 Pa.C.S. §3121); Aggravated indecent assault (Title 18 Pa.C.S. §3125); Indecent assault (Title 18 Pa.C.S. §3126); Criminal attempt/Indecent assault (Title 18 Pa.C.S. §§ 901/3126); Unlawful contact with minor (Title 18 Pa.C.S. 6318; Corruption of minors (18 Pa.C.S. §6301) and Endangering welfare of children (Title 18 Pa.C.S. §4304) totaling 40 counts.
2. Pursuant to Rule 564 of the Pennsylvania Rules of Criminal Procedure, the Court may allow the Commonwealth to amend the Information.
3. Pursuant to case law, the Court may allow the Commonwealth to amend an Information when such amendment raises no due process concerns, that is, when the Commonwealth does not allege any new facts of which the defendant was not previously aware.
4. In the present case, the Commonwealth seeks to amend to correct the following charges:

4. In the present case, the Commonwealth seeks to amend to correct the following charges:
- (a) As to Counts 3, 8, 12 and 20, Indecent assault, Title 18, section 3126 (a)(8) to replace 3126 (a)(7);
 - (b) As to Count 32, Indecent assault, Title 18, section 3126 (a)(8) where no subsection was previously specified
5. In the present case, the Defendant was aware of all of the facts that support the proposed amendment and the amendment simply corrects the subsection of the offense.
6. The Commonwealth was unsuccessful in its attempts to reach counsel for the Defendant to seek his concurrence with this motion.

WHEREFORE, the Commonwealth requests that the Court permit the Commonwealth to file an amended Information in the present case.

Respectfully submitted,


Jonelle H. Eshbach

Date: 1/12/12