

**IN THE COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA : No. CP-14-CR-2421-2011;
: CP-14-CR-2422-2011
vs. :
: **GERALD A. SANDUSKY** :
: :
: :
: :
: :
: :
: :

FILED FOR RECORD
2012 MAY -7 P 3:48
EBBRA C. JIMMEL
PROTHONOTARY
CENTRE COUNTY, PA

TO: THE HONORABLE JOHN M. CLELAND, SENIOR JUDGE

COMMONWEALTH'S MOTION TO AMEND THE BILL OF PARTICULARS

AND NOW, this 7th day of May, 2012, comes the Commonwealth of Pennsylvania by and through Chief Deputy Attorney General Frank G. Fina and Senior Deputy Attorney General Joseph McGettigan, respectfully state as follows:

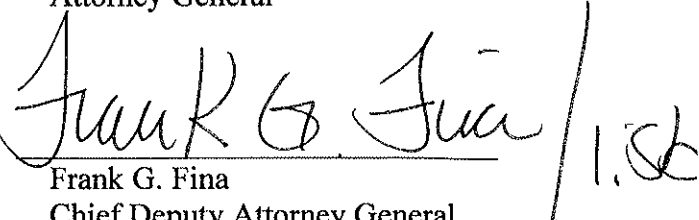
1. Pursuant to this Court's Order, dated February 21, 2012, provide a Bill of Particulars to the Defendant regarding the charges filed in the aforementioned case.
2. Pursuant to Rule 564, the Pennsylvania Rules of Criminal Procedure, the Court may allow the Commonwealth to amend the Criminal Information. By extension on this authority would also allow the Court to permit the amendment of the Bill of Particulars.
3. Rule 564 specifically allows for an amendment to be made when "there is a defect in form, description of the offense(s), the description of any person or any property, or the date charged, provided the information as amended does not charge an addition or different offense."

4. In the present case, the Commonwealth seeks to amend to correct the date pertaining to the offenses allegedly committed by the Defendant against "Victim 2". The counts of the criminal information pertinent to Victim 2 are: Counts 7, 8, 9, 10 and 11.
5. As a result of specific and authenticated findings as part of the Commonwealth's ongoing investigation, it has been determined that the offense date committed against Victim 2 was on or about February 9, 2001, in the evening, at the Lasch Football Building on the University Park campus of the Penn State University. The aforementioned language should replace that contained in the Bill of Particulars under the heading "Victim 2" at sub-paragraph a.
6. Defense counsel is aware of the facts underlying the proposed change and of this motion to amend. Defense counsel was contacted and he concurs in this motion.

Respectfully submitted,

LINDA L. KELLY
Attorney General

Dated: May 7, 2012

By:  / 1.56
Frank G. Fina
Chief Deputy Attorney General
Criminal Prosecutions Section

IN THE COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. CP-14-CR-2421-2011;
 : CP-14-CR-2422-2011
vs. :
 :
GERALD A. SANDUSKY :
 :
 :
 :
 :
 :

CERTIFICATE OF SERVICE

I, Frank G. Fina, Chief Deputy Attorney General, Attorney for the Commonwealth, at Attorney General's Office, 16th Floor, Strawberry Square, Harrisburg, Pennsylvania, 17120, hereby certify that I served a true and correct copy of the Commonwealth's Motion to Amend Bill of Particulars on:

Joseph L. Amendola, Esquire
110 Regent Court
Suite 202
State College, PA 16801-7966

by email and first class mail, postage prepaid at Harrisburg, Pennsylvania on the date noted below.

I certify under penalty of perjury that the foregoing is true and correct.

Date: May 7, 2012

BY:  / 118

FRANK G. FINA
Chief Deputy Attorney General
Criminal Prosecutions Section
Attorney for the Commonwealth

FILED FOR RECORD
2012 MAY - 7 P 3:18
DEBRA C. HANDEL
PROTHONOTARY
CENTRE COUNTY, PA