

State of Wisconsin

Circuit Court Branch I

Manitowoc County

STATE OF WISCONSIN

Plaintiff,

vs.

STEVEN A. AVERY,

CLERK OF CIRCUIT COURT
Defendant,

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

MAR 8 2006

MOTION TO AMEND CRIMINAL
COMPLAINT AND CRIMINAL
INFORMATION

Case No. 05-CF-381

THE STATE OF WISCONSIN, by Kenneth R. Kratz, Calumet County District Attorney, having been appointed special prosecutor in the above-captioned matter, hereby moves the Court for an Order allowing the amendment of the criminal complaint and criminal information already filed in this matter.

Motion to Amend Complaint and Information is authorized by Section 971.29(1), Wis. Stats., and may be allowed at any point in the proceedings when the defendant's rights are not prejudiced. See: Whitaker vs. State, 83 Wis. 2nd 368 (1978).

Moreover, the defendant is not entitled to an additional preliminary hearing on the additional charges, as additional charges in a criminal information may be filed which are not "wholly unrelated" to the evidence which was already presented at the preliminary hearing. See: State vs. Burke, 153 Wis. 2nd 445 (1990).

Respectfully submitted this 8th day of March, 2006.


Kenneth R. Kratz
Calumet County District Attorney
Special Prosecutor