

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

RECEIVED

STATE OF MARYLAND

V.

SHEILA ANN DIXON

2009 OCT 23 P 1:02
CASE NO: 109210015
CRIMINAL DEPT.

* * * * *

**MOTION TO AMEND BY INTERLINEATION THE DATE IN PARAGRAPH 59
OF COUNT THREE**

Comes now the State of Maryland, by and through its undersigned counsel and respectfully moves this Honorable Court for leave to amend, by interlineation, the date in paragraph 59 of Count Three in the indictment and for cause states as follows:

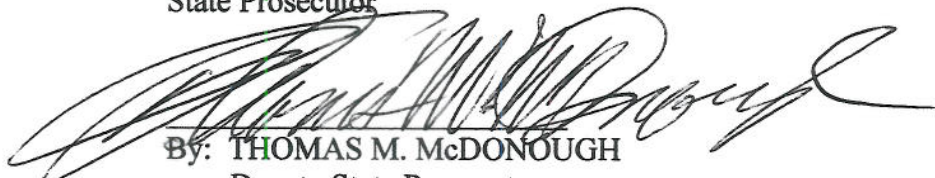
1. Paragraph 59 in Count Three states, "between on or about December 12, 2007 and on or about June 17, 2007..."
2. The date of June 17, 2007 is clearly a typographical error. The date should read June 17, 2008, instead of June 17, 2007.
3. Maryland Rule 4-204 permits the Court at any time before verdict to amend the charging document and the consent of the parties is required only if the amendment changes the character of the offense charged. In this case, the changing of the date does not alter the character of the offense charged.

4. Changing the date from June 17, 2007 to June 17, 2008 does not alter the character of the offense charged in count three (3) of the indictment.

Wherefore, the premises considered, the State of Maryland respectfully moves this Honorable Court for leave to amend the date in paragraph 59 of Count Three of the Indictment so that it reads, "between on or about December 12, 2007 and on or about June 17, 2008..."

Respectfully submitted,

ROBERT A. ROHRBAUGH
State Prosecutor



By: THOMAS M. McDONOUGH
Deputy State Prosecutor



By: SHELLY S. GLENN
Senior Assistant State Prosecutor



By: TAMARA GUSTAVE
Assistant State Prosecutor

POINTS AND AUTHORITIES

Maryland Rule 4-204

Tucker vs. State, 5 Md. App. 32, 245 A.2d 109 (1968), holding that changing of the date of the offense in the indictment constituted a matter of form and not substance.

Holbrook vs. State, 133 Md. App. 245, 754 A.2d 1103 (2000), holding that the trial court did not err in permitting an amendment to the date in the indictment since the change did not alter the character of the offense charged.

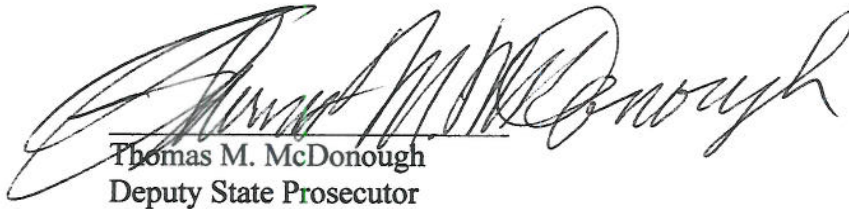
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of October, 2009 a copy of the foregoing Motion To Amend By Interlineation the Date in Paragraph 59 of Count Three was mailed, postage prepaid, to:

Dale P. Kelberman, Esq.
Miles and Stockbridge
10 Light Street
Baltimore, Maryland 21202

and

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Thomas M. McDonough
Deputy State Prosecutor