

[CAPTION]

**MOTION TO STRIKE STATE'S NOTICE TO DEFENDANT OR, IN THE
ALTERNATIVE, MOTION FOR MORE PARTICULAR STATEMENT**

The Defendant, by counsel, respectfully requests this Court to strike the State's Notice to the Defendant, or in the alternative, order the State to provide the Defendant with a more particular 404(b) notice statement. In support of the Motion, the Defendant states the following:

1. On [insert date], the Defendant filed her Motion for Pre-Trial Disclosure of the State's Intention to Offer Rule 404(b) Evidence at Trial. The Motion was granted and the prosecuting attorney was ordered to comply.

2. On [insert date], the State filed its Notice to Defendant, and indicated at least [insert number] instances of prior misconduct the State intends to introduce against the Defendant, or defense witnesses.

3. Rule 404(b) is clear that evidence of other crimes or wrongs is not admissible to prove the character of a person in order to show action and conformity therewith. Evidence of prior bad acts, however, may be admissible for other purposes, and the Rule sets out specifically such other purposes, such as proof of motive, intent, etc. Here, the State failed to assert any legitimate purpose for admitting these prior bad acts, and failed to cite to a single exception in which bad acts may be permissible under the rule.

4. The Motion to Strike the State's Notice to the Defendant is proper, as the State's Notice does not comply with the notice requirement which mandates the State specify upon which exception it relies upon for the admissibility of otherwise clearly inadmissible evidence.

5. Since the State has failed to cite any evidentiary exceptions to which these instances of bad conduct may be admissible, the Notice to the Defendant is without merit.

WHEREFORE, the Defendant respectfully requests this Court to strike the Notice to the Defendant for its failure to comply with the dictates of Rule 404(b) or, in the alternative, order the State to make a more particularized showing to the Defendant under what exception it intends to introduce the bad acts, and for all other relief just and proper in the premises.

(Signature)