



**AFFIDAVIT IN SUPPORT OF REQUEST FOR APPOINTMENT OF SPECIAL PROSECUTOR**

Required for Department of Administration payment under § 978.045(2)(b), Wis. Stats.

STATE OF WISCONSIN                    )  
                                                  ) ss.  
\_\_\_\_\_ COUNTY                    )

- 1a. \_\_\_\_\_ is the \_\_\_\_\_ Judge in \_\_\_\_\_ County.
- 1b. \_\_\_\_\_ is the District Attorney for \_\_\_\_\_ County.
2. This affidavit is made in support of a request dated \_\_\_\_\_ that the \_\_\_\_\_ Court appoint a special prosecutor under §978.045, Wis. Stats.
3. Prior to requesting the appointment of a special prosecutor, the District Attorney or Court named above requested and was denied assistance from a District Attorney, Deputy District Attorney or Assistant District Attorney from the following prosecutorial units: \_\_\_\_\_; or from any Assistant Attorney General employed by the Wisconsin Department of Justice.
4. The request for the appointment of a special prosecutor is based upon the following condition (check all that are applicable):
- There is no District Attorney for the county.
  - The District Attorney is absent from the county.
  - The District Attorney, or a deputy or assistant district attorney for the District Attorney office, is on parental leave.
  - The District Attorney has acted as the attorney for a party accused in relation to the matter of which the accused stands charged and for which the accused is to be tried.
  - The District Attorney is near of kin to the party to be tried on a criminal charge.
  - The District Attorney is unable to attend to his or her duties due to a health issue or has a mental incapacity that impairs his or her ability to substantially perform his or her duties.
  - The District Attorney is serving in the U.S. armed forces.
  - The District Attorney stands charged with a crime and the Governor has not acted under §17.11, Wis. Stats.
  - The District Attorney determines that a conflict of interest exists regarding the district attorney or the district attorney staff.
  - A judge determines that a complaint received under §968.26(2)(am), Wis. Stats., relates to the District Attorney's conduct to whom the judge otherwise would refer the complaint.
5. Except for parental leave, the request for the appointment of a special prosecutor is in no way based upon the absence, unavailability or vacancy of any Deputy District Attorney or Assistant District Attorney assigned to \_\_\_\_\_ County.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(type name)

\_\_\_\_\_  
(signature)

Subscribed and sworn to before me on this  
\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires:  
\_\_\_\_\_