

FORM SUMMARY

Name of Form: Request for Appointment of Special Prosecutor under Chapter 978

Form Number: CR-210A

Statutory Reference: §978.045, Wisconsin Statutes

Benchbook Reference:

Purpose of Form: To request appointment of an attorney to serve as a special prosecutor.

Who Completes It: If the district attorney is making the request, the district attorney will complete the appropriate portions and submit the form to the judge for signing.

Distribution of Form: Original to court; copy to State Prosecutors Office, copy to County Clerk of county that may be paying disbursements, copy to attorney appointed.

Accompanying Forms: None

New Form/Modification: Modified; last update 02/16.

Modifications: Rewrote conditions section.

Comments: §978.045(1g), Wisconsin Statutes, indicates that the district attorney or court is required to notify the Department of Administration of efforts to first obtain the assistance of another district attorney, deputy district attorney, assistant district attorney, or assistant district attorney general when a private attorney is being appointed. The Department of Administration has indicated that use of this form complies with the notice requirement and no separate documentation is needed.

This form can also be used for appointments under §978.05(8)(b), Wisconsin Statutes, when an attorney from another prosecutorial unit or assistant attorney general is appearing for and assisting the district attorney. Technically, no formal order need be made in these cases. However, many district attorneys and courts prefer to have a formal appointment order in these cases so that a paper trail exists of the authority of such a person to act.

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.