

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

CASE NO.: 3:18-cr-89-J-34JRK

REGINALD BROWN

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**DEFENDANT REGINALD BROWN'S MOTION FOR  
BILL OF PARTICULARS AND MEMORANDUM OF LAW**

The Defendant, Reginald Brown, by and through the undersigned attorney, moves this Court pursuant to Rule 7(f), Federal Rules of Criminal Procedure, for an Order requiring the United States to file a Bill of Particulars setting forth the following:

The names of all persons whom the government will claim at trial were co-conspirators, to the extent known by the government, whether these persons are currently indicted or un-indicted. The government should be under a continuing obligation to update this material as necessary. If the co-conspirators are incarcerated, the government should be required to disclose this fact as well.

**MEMORANDUM OF LAW**

The Motion for a Bill of Particulars by the Defendant seeks to elicit from the Government the specifics of the broad allegations contained in count one of the Indictment. The Court of Appeals for the Fifth Circuit has held that the failure to grant a Motion for Bill of Particulars may violate "the requirements of the Sixth Amendment that the accused shall be informed of the nature and cause of the accusations against him fully enough to enable him to prepare his defense and definite and certain enough that he may be protected by a plea of a former jeopardy against another prosecution for the same offense." *Williams v.*

*United States*, 164 F.2d 302, 304 (5<sup>th</sup> Cir. 1947). See also *United States v. Orsini*, 406 F. Supp. 1264, (E.D.N.Y. 1976); *US v. White*, 753 F. Supp. 432 (D. Conn. 1990); *United States v. Salazar*, 485 F.2d 1272, 1278 (2<sup>nd</sup> Cir. 1973); *US v. Matos-Peralta*, 691 F. Supp. 780 (S.D.N.Y. 1988); *United States vs. Addonizio*, 451 F.2d 49, 63-4 (3<sup>rd</sup> Cir. 1971).

The granting of motion for Bill of Particulars is discretionary. *United States vs. Addonizio*, 451 F.2d 49, 64 (3<sup>rd</sup> Cir. 1971); *Downing v. United States*, 348 F.2d 594 (5<sup>th</sup> Cir. 1965).

### **SPECIFIC REQUEST**

The Defendant bases this request on *US vs. Taylor*, 707 F. Supp. 696, 700 (S.D.N.Y. 1989). In *Taylor*, the Court granted essentially the same request made by the defendant finding that the information is necessary for the defense.

Additionally, in *United States vs. Williams*, 113 F.R.D. 177, 178 (M.D. Fla. 1986), the Court found that a survey of the Eleventh Circuit cases on Motions for Bill of Particular found that the common practice of the courts in this circuit is to grant the motions insofar as they request a list of un-indicted co-conspirators. In reaching this conclusion, the Court cited *United States vs. Anderson*, 799 F.2d 1438, 1439 (11<sup>th</sup> Cir. 1986); *United States vs. Cole*, 755 F.2d 748, 760 (11<sup>th</sup> Cir. 1985); *United States vs. Warren*, 772 F.2d 827, 837 (11<sup>th</sup> Cir. 1985).

In *US vs. White*, 753 F. Supp 432, 433-4 (Conn. 1990), the Court held that certain items are properly disclosed to a defendant through a Bill of Particulars, including the names of all persons the government will claim to have been co-conspirators, to the extent that such persons are known to the government; the location of the acts performed by the

principals which are set forth in the counts; and the place where the principal offense charged allegedly occurred.

**WHEREFORE**, the Defendant, Reginald Brown, for the foregoing reasons, moves this Court to order the Government to provide the requested information in a Bill of Particulars.

Respectfully submitted,

**S:// Thomas M. Bell**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 20, 2019, I electronically filed the foregoing with the clerk of the Court by using CM/ECF system which will send a notice of electronic filing to A. Tysen Duva, AUSA, Michael Coolican, AUSA, John P. Leombruno, Esq., and Richard Landes, Esq.

**S:// Thomas M. Bell**  
THOMAS M. BELL