



government's presentation of its case or unduly restrict the government in presenting its proof at trial." *United States v. Young & Rubicam, Inc.*, 741 F. Supp. 334, 349 (D.Conn. 1990). "Nor is the government required to provide defendants with all overt acts that might be proven at trial." *Rosenthal*, 793 F.2d at 1227.

The Indictment, along with the information provided to defendant during the discovery process, makes Gilley sufficiently aware of the charges and enables him to prepare a defense. Thus, a Bill of Particulars as to all of Gilley's requests, save one, would be repetitive. See *United States v. Anderson*, 799 F.2d 1438, 1441 (11th Cir. 1986). Gilley's request number eighteen requests the Government "[s]tate which Alabama statutes the Government alleges Mr. Gilley violated." Motion (Doc. #502). "The purpose of a true bill of particulars is threefold: 'to inform the defendant of the charge against him with sufficient precision to allow him to prepare his defense, to minimize surprise at trial, and to enable him to plead double jeopardy in the event of a later prosecution for the same offense.'" *United States v. Cole*, 755 F.2d 748, 760 (11th Cir. 1985). It does not appear the Government has offered a Response to this request, and the court finds the request reasonable as it will likely be part of Gilley's defense at trial to contest whether he violated or conspired to violate the law. Accordingly, it is

ORDERED that the Motion for Bill of Particulars (Doc. #502) is GRANTED as to request number eighteen and DENIED as to all other requests.

Done this 25th day of February, 2011.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE