



under a conspiracy theory, a defendant can be held liable for the actions of his co-conspirators, within the scope of the conspiracy. *United States v. De La Cruz Suarez*, 601 F.3d 1202, 1221 (11th Cir. 2010) (“If a defendant is aware of the scope of a conspiracy outside of his individual actions, he may be held accountable for actions by co-conspirators even though he was not personally involved.”). The Indictment fully sets forth the conspiracy with sufficient detail to allow Means to prepare for trial and Means has been given extensive discovery in this case. Generally, a defendant is not “entitled to a bill of particulars with respect to information which is already available through other sources such as the indictment or discovery and inspection.” *United States v. Rosenthal*, 793 F.2d 1214, 1227 (11th Cir. 1986); *see also United States v. Martell*, 906 F.2d 555, 558 (11th Cir. 1990).

Finally, Means’s request that the Government explain how it intends to prove that he solicited and pressured others “under the color of official right” to make campaign contributions is also improper. “[A] bill of particulars is not intended to give a preview of the case or unduly restrict the 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. Means’s request is better suited for a post trial motion.

The Indictment, along with the information provided to defendant during the discovery process, makes Means sufficiently aware of the charges and enables him to prepare a defense. Thus, a Bill of Particulars would be repetitive. *See United States v. Anderson*,

799 F.2d 1438, 1441 (11th Cir. 1986) (quoting *United States v. Cole*, 755 F.2d 748, 760 (11th Cir. 1985)) (“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.’”). Accordingly, it is

ORDERED that the Motion for Bill of Particulars (Doc. #475) is DENIED.

Done this 25th day of February, 2011.

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