

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).

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). In its Response to this motion, the Government outlines several specific allegations contained in the Indictment and specific information given to defendant in discovery. *See* Response (Doc. #576) at 2-5. The court need not repeat those examples here. Further, the Government responded to Ross’s request to provide the value of the “unspecified amount” referenced in the Indictment, by stating that the amount was indeed “unspecified.” *Id.* at 4 n.2. The Government also correctly explains that Ross’s requests with respect to his own conduct in the conspiracy charges are unreasonable, because if Ross “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.” *United States v. De La Cruz Suarez*, 601 F.3d 1202, 1221 (11th Cir. 2010).

Most of the requests by Ross in this Motion are issues better challenged post trial, and are not appropriate for a Bill. The Indictment, along with the information provided to defendant during the discovery process, makes Ross 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.’”).

The court finds that Ross is sufficiently aware of the charges against him and he has the opportunity to plan for his defense. *See Martell*, 906 F.2d at 558. Accordingly, it is

ORDERED that the Motion for Bill of Particulars (Doc. #506) is DENIED.

Done this 25th day of February, 2011.

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