

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).

In this case, the Indictment and the discovery materials are sufficient to inform Smith of the charges against her. The Government’s response summarizes the particular conduct alleged in the indictment that is specific to Smith. This court finds that a Bill would be unnecessary because 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).

Smith’s third Motion, Doc. #494, is identical to the one filed by McGregor on January 21, 2011 (Doc. #359). The court denied McGregor’s Motion in an Order (Doc. #429) dated February 3, 2011, and denies Smith’s Motion for the same reasons stated by this court in that Order. Accordingly, it is

ORDERED that the Motions for Bill of Particulars (Docs. #417, 418, & 494) are DENIED.

Done this 25th day of February, 2011.

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