UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA))
V.) Criminal Case No: 1:21-cr-00564
MATTHEW DASILVA) Trial: July 17, 2023
DEFENDANTS.)))

MOTION FOR A BILL OF PARTICULARS

If this Court denies Defendant's Motions to Dismiss, ECF No. 30 and 34, and pursuant to Fed. R. Evid. 7(f), Defendant moves for a Bill of Particulars for Counts One, Two, Five, and Seven of the Superseding Indictment.¹

The purpose of a bill of particulars is to apprise the defendant of the nature of the charges in such a way as to ensure that he: (1) understands the charges, (2) can prepare a defense, (3) can avoid prejudicial surprise at trial, and (4) can potentially be protected against retrial for the same offenses. *United States v. Butler*, 822 F. 2d 1191 (D.C. Cir. 1987). A bill of particulars serves as a type of lesser-included tool in the Federal Rules of Evidence to address the concerns outlined by Defendant in his motions to dismiss, ECF No. 30 and 34. Incorporating by reference the arguments of insufficiency in the indictment, made in ECF No. 30, 33, 34, and 36, the Defendant thus asks this court to order a Bill of Particulars on Counts One, Two, Five, and Seven of the Superseding Indictment.

¹ In compliance with the motions schedule of this Court, Defendant is filing this motion prior to a ruling on his preceding motions in order to preserve the request.

Specifically, the defendant requests to know the descriptions of the *actus reus* the Government is alleging for each of Count One, Two, Five, and Seven of the Superseding Indictment — the manner in which, and the specific circumstances under which, the acts alleged were committed, as well as the identity of the individual officer against whom these actions were purportedly directed.

The decision to order a Bill of Particulars rests entirely within the discretion of this Court.

Considering the significant deficiencies of the Superseding Indictment outlined by the defendant,

a Bill of Particulars appears to be an equitable remedy that balances the interests of the parties.

Respectfully submitted,

By Counsel:

/S/

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CERTIFICATE OF SERVICE FOR CM/ECF

I hereby certify that on May 19, 2023, I will electronically file the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/ Marina Medvin, Esq.