

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**RALPH JOSEPH CELENTANO III,**

**Defendant.**

**Crim. Action No. 22-186 (TJK)**

**MR. CELENTANO'S REPLY TO GOVERNMENT RESPONSE TO MOTION FOR  
BILL OF PARTICULARS AS TO COUNT SEVEN**

Ralph Joseph Celentano III, by and through undersigned counsel, hereby submits this reply to the government's response (ECF No. 22) to Mr. Celentano's Motion for a Bill of Particulars as to Count Seven of the Indictment (ECF No. 19). Mr. Celentano acknowledges that more than 14 days have passed since his arraignment on the Indictment and asks the Court to find there was good cause for the late filing. In addition, Mr. Celentano again the Court to grant the Motion because Mr. Celentano cannot prepare a defense without ascertaining what the government intends to prove.

**I. The Extensive Discovery in the January 6 Cases Provide Good Cause for an Extension of the Time Requirement of Fed. R. Crim. Proc. 7(F).**

The government asks the Court to deny Mr. Celentano's motion as untimely. ECF No. 22 at 4. While the defense acknowledges that the motion was filed more than 14 days after Mr. Celentano's arraignment on the Indictment, the defense contends that good cause exists based on the sheer amount of discovery that has been provided in the instant case.

As the government states in their response, there have been 19 volumes of global discovery provided to date. ECF No. 22 at 9. In addition to the vast amounts of video

surveillance contained in the global discovery, the government has provided significant case specific discovery to Mr. Celentano. ECF No. 22 at 9. That case specific discovery involves hundreds of pages of FBI reports, search warrants, grand jury materials and additional video. ECF No. 22 at 9. In arguing against the Court granting the Motion for a Bill of Particulars on the merits, the government cites to the massive amount of discovery that has been turned over, which they contend is “sufficient for Defendant Celentano to understand the charges and prepare a defense.” ECF No. 22 at 9. It is for precisely that reason that the defense waited to file the motion until a thorough review of the discovery could be conducted. If the information that is being asked for in the Motion was contained in the discovery, which, as will be discussed below it was not, any motion would have been unnecessary. Thus, Mr. Celentano asks the Court to find good cause for the filing of the motion past the 14 day guideline as laid out in Fed. R. Crim Pro. 7(f).

**II. A Bill of Particulars as to Count Seven is Necessary for Mr. Celentano to Prepare a Defense.**

Contrary to the government’s argument, Mr. Celentano is not asking the government to detail how they intend to prove their case as to Count Seven. Rather, the request is to give sufficient detail as to *what* the government intends to prove to enable Mr. Celentano to prepare a defense. The defense is not requesting a detailed summary of the government’s proof or evidence, but rather, that the allegations as to Count Seven, “are stated with enough precision to allow the defendant to understand the charges, to prepare a defense....” *United States v. Butler*, 822 F.2d 1191, 1193 (D.C. Cir. 1987).

After reviewing the massive amounts of discovery in this case, and the government’s response to the instant motion, the allegations as to *how* Mr. Celentano obstructed the certification of the electoral vote and *who* he aided and abetted are not stated with sufficient

precision. In order to prove that Mr. Celentano obstructed an official proceeding, the government must prove that Mr. Celentano “acted corruptly” and “did obstruct or impede an official proceeding.” ECF No. 14, Indictment. The government has not provided sufficient notice as to *what* Mr. Celentano did to obstruct an official proceeding.

In addition, the government has not provided sufficient notice as to *who* Mr. Celentano was allegedly aiding and abetting. The Court of Appeals for the District of Columbia Circuit has clearly laid out the elements of aiding and abetting an offense:

- (1) The specific intent to facilitate the commission of a crime by another;
- (2) Guilty knowledge on the part of the accused;
- (3) That an offense was committed by someone; and
- (4) That the accused assisted or participated in the commission of the offense.

*United States v. Raper*, 676 F.2d 841, 849 (D.C. Cir. 1982) (internal citations omitted). As the court in *Raper* stated, to find someone aided and abetted that person must have “sufficient knowledge and participation to indicate that he knowingly and willfully participated in the offense in a manner that indicated he intended to make it succeed.” *Id.*

Without knowing *who* Mr. Celentano allegedly aided and abetted, it is impossible for Mr. Celentano to prepare a defense. As the government has pointed out many times, there were thousands of people involved in the events of January 6. There have been over 800 prosecutions thus far. How can Mr. Celentano defend against the charge when he is not on notice of *whose* crime he allegedly specifically intended to facilitate? Again, Mr. Celentano is not asking the government to detail how they intend to prove Count Seven – just the basic information needed to prepare a defense.

### **III. Conclusion**

For the reasons stated above, as well as in the Motion for a Bill of Particulars (ECF No. 19), Mr. Celentano respectfully asks this Court to grant the motion.

Respectfully submitted,

*Marissa Sherman*

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Marissa Sherman  
Attorney for Ralph Joseph Celentano III  
Federal Defenders of New York, Inc.  
One Pierrepont Plaza, 16<sup>th</sup> Floor  
Brooklyn, NY 11201  
(718) 407-7408