

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CASE NO.: 1:23-CR-000143

UNITED STATES OF AMERICA,

vs.

MICHAEL DANIELE,

Defendant.

**DEFENDANT, MICHAEL DANIELE'S REPLY TO GOVERNMENTS
MOTION(S) TO RECONSIDER ORDER GRANTING DEFENSE
MOTION FOR BILL OF PARTICULARS**

Defendant, MICHAEL DANIELE, through counsel files this reply to the United States of America's ("Government") February 7, 2024 motion to reconsider this Court's February 5, 2024 order granting (ECF 30) Defendant's January 15, 2024 Motion for Bill of Particulars (ECF 28) and states:

1. That in its motion of February 7, 2024 for reconsideration (ECF 31) the Government falsely asserts in paragraph 6, page 2 (ECF 31) that it mistakenly interpreted Defendant's Motion for a Bill of Particulars as a Rule 12(b)(3)(B) motion relating to a "defect" in the indictment, thus believing the Government's response date to the motion was April 17, 2024 the response deadline for Rule 12 motions.

2. That on January 12, 2024 in accordance with the local rules defense counsel conveyed in the attached email to the Government, copy of the Motion for Bill of Particulars (Exhibit "A").

3. That on January 13, 2024 the Government emailed defense counsel that it was

opposing the motion. (Exhibit “B”).¹

4. That to suggest now that the Government “thought” that the Motion for Bill of Particulars was a challenge to the Indictment because of a “defect” is at worse “false” and at best “incredulous.”

5. That “good cause” or otherwise does not exist, based upon the above, for this court to alter or modify its February 5, 2024 order (ECF 30). Rather, it should entertain “sanctioning” on its own the Government for its disingenuous Motion for Reconsideration (ECF 31). Accordingly, the motion should be denied.

WHEREFORE, Defendant files this his timely reply to the Government’s meritless February 5, 2024 (ECF 31) Motion for Reconsideration and requests the Court deny it without further briefing or hearing.

CERTIFICATE OF SERVICE ON THE FOLLOWING PAGE

¹The Government responded it was objecting to the filing of the Motion for Bill of Particulars.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk via the CM/ECF and an electronic notification was sent via email to Sarah.Martin@usdoj.gov, Sarah C. Martin, Assistant United States Attorney, U.S. Attorney's Office for the District of Columbia, 601 D Street Northwest Washington, D.C. 20001 this 7th day of February, 2024.

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