

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

RHONDA FIRESTACK-HARVEY, LARRY
HARVEY, MICHELLE GREGG, ROLLAND
GREGG, and JASON ZUCKER,
Defendants.

No. CR-13-24-FVS

ORDER DENYING JASON
ZUCKER'S MOTION TO COMPEL
THE UNITED STATES TO
PROVIDE A BILL OF
PARTICULARS

THE DEFENDANTS have filed a number of motions. The Court considered their motions at a pretrial conference that was held on April 22 and 23, 2014. This order addresses defendant Jason Zucker's motion to compel the United States to provide a fill of particulars.

BACKGROUND

A six-count Indictment was filed on February 6, 2013. Count 1 charges all five defendants -- *i.e.*, Rhonda Firestack-Harvey, Larry Harvey, Michelle Gregg, Rolland Gregg, and Jason Zucker -- with the crime of conspiracy to manufacture marijuana. 21 U.S.C. §§ 846, 841(a)(1). The conspiracy allegedly began on June 1, 2011, and continued until August 16, 2012. No overt acts are alleged in Count 1. Count 2 charges all five defendants with the crime of manufacturing marijuana. The crime allegedly began on June 1, 2011,

1 and continued until August 16, 2012. Count 3 charges all five
2 defendants with the crime of possessing marijuana with the intent to
3 distribute it. The crime allegedly occurred on August 9, 2012. Count
4 4 charges all five defendants with the crime of distributing
5 marijuana. The crime allegedly occurred between October 23, 2011, and
6 November 18, 2011. Count 5 alleges all five defendants committed the
7 crime of possessing firearms in furtherance of drug trafficking
8 crimes, viz., the crimes alleged in Counts 1 through 4. Count 5
9 allegedly began on July 1, 2012, and continued until August 16, 2012.
10 Finally, Count 6 alleges Rhonda Firestack-Harvey and Larry Harvey
11 knowingly maintained a place for manufacturing marijuana. The crime
12 allegedly began on June 1, 2011, and continued until August 16, 2012.
13 Jason Zucker moves for an order compelling the United States to
14 provide a bill of particulars as to counts 2 through 5.
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16

17 **STANDARD**

18 A United States District Court may direct the government to file
19 a bill of particulars. Fed.R.Crim.P. 7(f). "The purposes of a bill
20 of particulars are to minimize the danger of surprise at trial and to
21 provide sufficient information on the nature of the charges to allow
22 preparation of a defense. These purposes are served if the indictment
23 itself provides sufficient details of the charges and if the
24 Government provides full discovery to the defense." *United States v.*
25 *Mitchell*, 744 F.2d 701, 705 (9th Cir.1984) (citations omitted). See
26

1 also *United States v. Ayers*, 924 F.2d 1468, 1480 (9th Cir.1991);
2 *United States v. Giese*, 597 F.2d 1170, 1180 (9th Cir.), cert. denied,
3 444 U.S. 979, 100 S.Ct. 480, 62 L.Ed.2d 405 (1979).

4 **RULING**

5 "In determining if a bill of particulars should be ordered in a
6 specific case, a court should consider whether the defendant has been
7 advised adequately of the charges through the indictment and all other
8 disclosures made by the government." *United States v. Long*, 706 F.2d
9 1044, 1054 (9th Cir.1983). Here, the United States insists, and Mr.
10 Zucker does not deny, that it has provided extensive discovery to the
11 defendants. Assuming the United States is correct (and there is no
12 reason to question the accuracy of its assertion), Mr. Zucker should
13 have enough information about the charges that are set forth in the
14 Indictment so he can prepare any defense which may be available to
15 him.
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18 **IT IS HEREBY ORDERED:**

19 Defendant Jason Zucker's "Motion to Compel a Bill of Particulars"
20 (ECF No. 200) is denied.

21 **IT IS SO ORDERED.** The District Court Executive is hereby
22 directed to enter this order and furnish copies to counsel.
23

24 **DATED** this 29th day of April, 2014.

25 s/ Fred Van Sickle
26 Fred Van Sickle
Senior United States District Judge