

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:09 CR 002-2
v.)	Judge Glen H. Davidson
)	Magistrate Judge S. Allan Alexander
BOBBY B. DELAUGHTER)	
)	
Defendant.)	

DEFENDANT DELAUGHTER’S MOTION FOR A BILL OF PARTICULARS

Defendant, **BOBBY B. DELAUGHTER**, by his attorneys, **THOMAS ANTHONY DURKIN, JOHN D. CLINE**, and **LAWRENCE L. LITTLE**, respectfully move this Court, pursuant to Federal Rule of Criminal Procedure 7(f), and the Due Process, Double Jeopardy and Effective Assistance of Counsel provisions of the Fifth and Sixth Amendments to the Constitution of the United States, for an order directing the government to provide a Bill of Particulars furnishing the information sought below with respect to the Indictment, so as to permit Defendant to be adequately apprised of the scope of the government's allegations in order to allow Defendant to adequately prepare for trial.

Defendant seeks only the specific and limited information set forth below and submit that, in light of the government’s novel theory of prosecution in this case, such information is essential to properly prepare a defense. Defendant requests, therefore, that the Court enter its order requiring the government to provide the following particulars:

I. Count One – Conspiracy in Violation of 18 U.S.C. § 666

1. Identify the thing “of value,” as well as the value of same, the defendant is alleged to have conspired to accept and agreed to accept for himself and others in connection with his handling of the *Wilson* case. (¶ 6)

2. Identify the other co-conspirators alleged to be known to the grand jury. (¶ 6)
3. Identify with specificity the particular "state and local government" entity of which Judge DeLaughter is alleged to be an agent (¶ 6).
4. Identify with specificity the "government and judicial agency" that allegedly "received in a one-year period benefits in excess of \$10,000 under a federal program," (¶ 6)

II. Counts Two, Three & Four — “Honest Services” Mail Fraud in Violation of 18 U.S.C. §1346

1. Identify what portions, if any, of the defendant’s “Memorandum Opinion and Order Adopting in Part and Rejecting in Part Special Master’s Report and Recommendation of January 9, 2006,” referred to above, are not based upon sound legal principles or otherwise erroneous.
2. Identify what portions, if any, of the defendant’s “Order Quantifying Moneys Due Plaintiffs from Defendants,” referred to above, are not based upon sound legal principles or otherwise erroneous.
3. Identify the provisions of the Mississippi Constitution that are alleged to have imposed upon the defendant “a duty of fair and honest services to the people of the State of Mississippi” and allegedly breached by the defendant. (¶ 3)
4. Identify the “laws of the State of Mississippi” that are alleged to have imposed upon the defendant “a duty of fair and honest services to the people of the State of Mississippi” and allegedly breached by the defendant. (¶ 3)
5. Identify the provisions of “the Code of Judicial Conduct” that are alleged to have imposed upon the defendant “a duty of fair and honest services to the

people of the State of Mississippi” and allegedly breached by the defendant.

(¶ 3)

III. Count Five—Obstruction of Justice in Violation of 18 U.S.C. §1512(c)(2)

1. Identify the “substantive issues related to the case of *Wilson v. Scruggs*” that the defendant is alleged to have denied speaking about with Ed Peters. (¶ 18)
2. Identify the “substantive issues in the *Wilson v. Scruggs* case” that defendant is alleged to have “discussed with Ed Peters...on numerous occasions.” (¶ 18)

Respectfully submitted,

/s/ Thomas Anthony Durkin
THOMAS ANTHONY DURKIN,

/s/ John D. Cline
JOHN D. CLINE,

/s/ Lawrence L. Little
LAWRENCE L. LITTLE, Attorneys for
the Defendant, Bobby B. DeLaughter.

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CERTIFICATE OF SERVICE

I hereby certify that foregoing Defendant DeLaughter's Motion For A Bill Of Particulars was served on March 26, 2009, in accordance with Fed.R.Crim.P.49, Fed.R.Civ.P.5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the District Court's system as to ECF filers.

/s/ Thomas Anthony Durkin
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