

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

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

**REBUTTAL IN SUPPORT OF DEFENDANT DELAUGHTER’S  
MOTION FOR A BILL OF PARTICULARS AND UNOPPOSED MOTION TO  
WITHDRAW PLEADING WITH RIGHT TO RENEW AT A LATER DATE**

Defendant, **BOBBY B. DELAUGHTER**, by and through his attorneys, **THOMAS ANTHONY DURKIN, JOHN D. CLINE**, and **LAWRENCE L. LITTLE**, submits this rebuttal in support of his Motion for Bill of Particulars; and in light of the government’s response, respectfully moves to withdraw the motion subject to permitting Defendant the right to renew the motion at a later date after the completion of discovery.

In its responsive pleading to Defendant’s Motion For a Bill of Particulars, the government suggests that the motion is untimely in that “discovery is continuing and will continue to be supplemented for the foreseeable future.” Govt. Resp., p. 1. While counsel for Defendant believe that some of the requests contained within the motion for a bill might well raise concerns with respect to Double Jeopardy, it seems appropriate to defer ruling on the motion at this time in light of the government’s suggestion that more discovery is forthcoming. Further, as mentioned, with respect to Defendant’s motion with respect to the production of grand jury minutes, counsel are meeting with the government attorneys in Oxford on April 27, 2009. One of the issues to be addressed at that meeting is, in fact, Defendant’s formal discovery requests memorialized in a lengthy letter to the government dated March 24, 2009. Resolution

of those discovery issues may well, as the government suggests, resolve some of the issues raised in the motion for a bill of particulars.

Therefore, counsel would request that the Court permit Defendant to withdraw his previously filed Motion for a Bill of Particulars, subject to his ability to re-file the motion upon completion of the discovery. AUSA Bob Norman has told counsel they can represent to the Court that the government has no objection to the granting of this relief.

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 the foregoing Rebuttal In Support Of Defendant DeLaughter's Motion For a Bill Of Particulars And Unopposed Motion to Withdraw Pleading With Right to Renew at a Later Date was served on April 16, 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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