

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
CHAKA FATTAH, SR.	:	NO. 15-346-1
HERBERT VEDERMAN	:	NO. 15-346-2
BONNIE BOWSER	:	NO. 15-346-5

MEMORANDUM

Bartle, J.

February 29, 2016

Defendants Herbert Vederman, Bonnie Bowser, and Chaka Fattah, Sr. each move for a bill of particulars as to certain topics described in the detailed 29 count, 85 page indictment.

Specifically, Vederman asks us to order the government to identify the quid pro quo exchanges that are the basis for the bribery charges against him. Bowser and Fattah seek additional details about topics that include the allegedly false line items in certain campaign finance reports, acts in furtherance of the RICO conspiracy, any known coconspirators and "members of the enterprise," and the government's means of calculating the alleged forfeiture amount.

Rule 7(c) of the Federal Rules of Criminal Procedure requires an indictment to be "a plain, concise, and definite written statement of the essential facts constituting the offense charged." Rule 7(f), meanwhile, permits the court to "direct the government to

file a bill of particulars." Courts should do so "whenever an indictment's failure to provide factual or legal information significantly impairs the defendant's ability to prepare his defense or is likely to lead to prejudicial surprise at trial." United States v. Rosa, 891 F.2d 1063, 1066 (3d Cir. 1989). A bill of particulars is meant "to inform the defendant of the nature of the charges brought against him, to adequately prepare his defense, to avoid surprise during the trial and to protect him against a second prosecution for an inadequately described offense." United States v. Urban, 404 F.3d 754, 771 (3d Cir. 2005). When the indictment itself fulfills these functions, a bill of particulars is unnecessary. See id.

Having reviewed the indictment, we conclude that it adequately apprises Vederman, Bowser, and Fattah "of the nature of the charges brought against" them. See id. Indeed, the 29-count, 85-page indictment contains exacting detail about the defendants' alleged conduct. This detail provides Vederman, Bowser, and Fattah with the opportunity "to adequately prepare [their] defense" and enables them "to avoid surprise during the trial." See id. There is no risk that any of them will face "a second prosecution for an inadequately described offense." See id. Nor is there a risk of "prejudicial surprise at trial." See Rosa, 891 F.2d at 1066. In

sum, the indictment fulfills its essential purposes, and a bill of particulars is not warranted.¹

¹. We also note that the government has produced approximately 900,000 pages of discovery to the defense. While the government does not satisfy its obligation to provide notice to defendants "merely by providing mountains of information to defense counsel," the indictment here provides sufficient notice. See United States v. Bortnovsky, 820 F.2d 572, 575 (2d Cir. 1987). Having received a detailed indictment, together with comprehensive discovery, defendants cannot now claim that they have not been properly apprised of the charges against them. See, e.g., United States v. Deerfield Specialty Papers, Inc., 501 F. Supp. 796, 809 (E.D. Pa. 1980).

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
CHAKA FATTAH, SR.	:	NO. 15-346-1
HERBERT VEDERMAN	:	NO. 15-346-2
BONNIE BOWSER	:	NO. 15-346-5

ORDER

AND NOW, this 29th day of February, 2016, for the reasons set forth in the foregoing Memorandum, it is hereby ORDERED that the motions of defendants Herbert Vederman (Doc. # 115), Bonnie Bowser (Doc. # 117), and Chaka Fattah, Sr. (Doc. # 140) for bills of particulars are DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.