

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

United States :
 :
v. : No. 3:01cr263(JBA)
 :
Joseph P. Ganim :

Order on Motion for Filing of Supplemental Bill
of Particulars [Doc. #81]

In its ruling on defendant's motion to dismiss [Doc. #50], the Court ordered the Government to file a "limited bill of particulars" setting forth "particularization of the benefits allegedly provided to Ganim, whether actual or constructive," or, stated differently, "each benefit (whether actual or constructive) that Ganim is alleged to have received, solicited or otherwise procured or attempted to procure in connection with the pending charges." Ruling on Mot. to Dismiss at 20, 22, and 41. The Court also stated that defendant's motion for a bill of particulars "is GRANTED as to ¶¶ 8(a)-(c) of the motion." *Id.* at 40. Paragraphs 8(a)-(c) of defendant's bill of particulars motion state in pertinent part,

The Government is asked to particularize as to each alleged racketeering act or other counts of the indictment in which it is claimed that defendant Ganim solicited, accepted, agreed to accept a benefit, currency, shared meals, entertainment, or goods or services, that with respect to each such act the following:

- a. identify the specific benefit;

- b. the person who conferred or provided it;
- c. the date on, and place at which it was conferred or provided...

Def.'s Mot. for Bill of Particulars at 3. The Government subsequently filed a Bill of Particulars [Doc. #80] setting forth the date, payor, and amount of sixty-five particularized benefits. Govt.'s Bill of Particulars at 1-4.

Defendant now moves this Court to order the Government to file a supplemental bill of particulars "identifying which official acts were the object of the recited benefits and things of value allegedly given to Mayor Ganim." Def.'s Opp'n to Govt.'s Mot. at 8. Government responds by stating that it fully complied with the Court's order, and that "the indictment, read in conjunction with the bill of particulars, clearly provides defendant with the requisite notice of the nature and scope of the charges pending against him." Govt.'s Mem. in Opp'n at 1.

The Court finds Government's compliance with the Court's order, although in good faith, incomplete. Although the Court did not expressly articulate all the contours of the form that the bill was supposed to take, the Government was directed to provide a bill of particulars that, by incorporation of paragraphs 8(a)-(c) of defendant's bill of particulars motion, particularized the benefits and things of value allegedly

received by Mr. Ganim "as to each alleged racketeering act or other counts of the indictment." The Government's bill, while setting forth sixty-five particularized benefits, fails to link those benefits to any of the alleged racketeering acts or other counts charged in the indictment.

Accordingly, defendant's motion for Filing of a Supplemental Bill of Particulars [Doc. #81] is GRANTED insofar as the Government is directed to match each of the sixty-five benefits listed in the Government's original bill of particulars with each alleged racketeering act or other count charged in the indictment with respect to which the Government claims such benefit was allegedly provided to defendant.

IT IS SO ORDERED.

/s/

Janet Bond Arterton
United States District Judge

Dated at New Haven, Connecticut, this 20th day of November, 2002.