

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 07-CR-30192-JPG-DGW
)
TILDEN SPRAGUE,)
)
Defendant.)

DEFENDANT'S MOTION FOR BILL OF PARTICULARS

The Defendant moves pursuant to Rule 7(f) of the Federal Rule of Criminal Procedure as well as the Sixth and Fourteenth Amendments of the United States Constitution, and respectfully an order directing the government to file a Bill of Particulars.

Defendant says that said Indictment is vague, indefinite, uncertain and insufficient in general terms and conclusions; that Defendant is unable from a reading of said Indictment to reasonably know the nature and cause of the charge; Defendant is unable to prepare an intelligent defense thereto; and in order that this Defendant may be fairly informed of what the government claims and with what crime, if any, Defendant is charged, and so that this Defendant's constitutional rights will be protected, the United States Attorney should be required to particularize as follows:

1. The specific phrase or provision of each of the ordinances which the Government alleged were violated by the alleged conduct of the Defendant;
2. The exact dates, and times and specific place on which each specific offense alleged by the Government is alleged to have occurred;
3. The specific acts, conduct, methods or means by which the crime is alleged to have been committed;
4. The name and date of birth of the alleged victim(s);
5. The exact date and time when the allegedly illegal material was originally

created, sent, and received;

6. The exact name and location of the alleged illegal material (i.e. file name and file path). If the alleged illegal material is not in computer file form,, what form it is in;

The Defendant states that the Indictment is vague and indefinite. Further, the Indictment does not reasonably inform the Defendant of the nature of the charge. The government is in or should be in possession of all of the information sought by the Defendant in regard to the nature of the charge(s) against him. In addition, the information requested above is material to the Defendant's ability to present a defense at trial. Lastly, failure to order the government to furnish the Defendant with a Bill of Particulars containing such information would subject him to unfair surprise at trial, and would prevent the Defendant from pleading Double Jeopardy if he is later charged with the same offense as the Indictment is too vague. See generally, *United States v. Dulin*, 410 F.2d 363, 364(4th Cir. 1969). The discretion to order a Bill of Particulars is soundly within the authority of this Honorable Court. *Wong Tai v. United States*, 273 U.S. 77, 82 (1927). *Roberts v. United States*, 137 F.2d 412, 415 (4th Cir. 1943).

TILDEN SPRAGUE

STOBBS LAW OFFICES

BY:

/s/ John D. Stobbs, II

John D. Stobbs II, NO. 06206358

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2008 a copy of the attached *Motion for Bill of Particulars* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Mr. Donald Boyce
Assistant U.S. Attorney
Nine Executive Drive
Fairview Heights, Illinois 62208

STOBBS LAW OFFICES

/s/John D. Stobbs, II
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JOHN D. STOBBS, II

February 22, 2008

(618) 462-8484
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Mr. Tildon Sprague
5208 River Aire Drive
Godfrey, Illinois 62035

RE: U.S.A. v. Sprague
No. 07-CR-30192-JPG-DGW

Dear Mr. Sprague:

Enclosed please find the following Motions:

1. Motion for Equal Access to Discovery and for a Protective Order;
2. Motion for Bill of Particulars;
3. Motion for Additional Discovery; and
4. Motion to Continue.

From a strategic standpoint I'd like to have the Judge rule on the above Motions and then be given time to prepare a Motion to Suppress and other Motions attacking the forfeiture and way in which you were charged.

In the interim I'd like for you to see a psychologist who specializes in sexual disorders. Dr. Heller recommended someone who in turn recommended Dr. David Clark who I will contact later today. I'd like for you to begin seeing another doctor—along with Dr. Heller—so that we can make a strong pitch at the appropriate time that you are not a sexual predator in any way.

If you have any questions regarding the foregoing please contact me at your convenience.

Very truly yours,


John D. Stobbs II

JDSII:ms
enclosure
cc: Joshua Sprague

Motions3:07-cr-30192-JPG-DGW USA v. Sprague**U.S. District Court****Southern District of Illinois****Notice of Electronic Filing**

The following transaction was entered by Stobbs, John on 2/22/2008 at 4:36 AM CST and filed on 2/22/2008

Case Name: USA v. Sprague
Case Number: 3:07-cr-30192
Filer: Dft No. 1 - Tilden B Sprague
Document Number: 23

Docket Text:**MOTION for Bill of Particulars by Tilden B Sprague. (Stobbs, John)****3:07-cr-30192-1 Notice has been electronically mailed to:**

Donald S. Boyce donald.s.boyce@usdoj.gov, Maria.Lanciault@usdoj.gov

John D. Stobbs , II stobbsjohn@hotmail.com

Michael Thompson Michael.Thompson2@usdoj.gov, Carmalee.Korte@usdoj.gov,
USAILS.SDILCiv@usdoj.gov


3:07-cr-30192-1 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

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Activity in Case 3:07-cr-30192-JPG-DGW USA v. Sprague Motion for Bill of Particulars

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**U.S. District Court
 Southern District of Illinois**

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- Donald S. Boyce donald.s.boyce@usdoj.gov, Maria.Lanciault@usdoj.gov
- John D. Stobbs , II stobbsjohn@hotmail.com
- Michael Thompson Michael.Thompson2@usdoj.gov,
 Carmalee.Korte@usdoj.gov, USAILS.SDILCiv@usdoj.gov

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