

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 04-40141-01, 02
)	
ARLAN DEAN KAUFMAN and)	
LINDA JOYCE KAUFMAN,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

Before the court are the following:

1. Defendants' joint motion for bill of particulars (Docs. 125 and 126);
2. Government's response (Doc. 158); and
3. Defendants' joint reply (Doc. 175).

The standards pertaining to a request for a bill of particulars are well known. United States v. Cooper, 283 F. Supp. 2d 1215, 1238-40 (D. Kan. 2003). Unless the request shows, on its face, that failure to grant the request would result in prejudicial surprise, the preclusion of an opportunity for meaningful defense preparation, [or double jeopardy problems,] defendant has the burden of showing [by brief, affidavit or otherwise] that his or her request meets one of the three criteria. Id. at 1239 (quotation and case citation omitted).

Defendants' joint motion does not even attempt to meet these criteria. Rather, it is drafted in the form of a set of civil interrogatories without any explanation regarding why the information is needed. Defendants have filed numerous motions of

every type and description totaling hundreds of pages. It is readily apparent from reading the motions that defendants either have received or have had the opportunity to review a very substantial amount of evidentiary material and are mounting a rigorous defense to the charges. The court would abuse its discretion if it granted all or any portion of defendants' motion.

Defendants' motion for bill of particulars (Doc. 125) is denied.

IT IS SO ORDERED.

Dated this 16th day of August 2005, at Wichita, Kansas.

s/ Monti Belot
Monti L. Belot
UNITED STATES DISTRICT JUDGE