

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 12-10085-06-MLB
)	
FRANCISCO COBOS,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

I. Introduction

This case comes before the court on defendant's pretrial motions. Defendant has been charged in an indictment filed on March 27, 2012, along with thirteen co-defendants. The indictment contains a total of 46 counts in which this defendant is charged in 4 of those counts. Defendant is charged with conspiracy to distribute cocaine and three counts of using a communications device in the commission of a felony. The motions are fully briefed and ripe for decision.¹

A. Motion for Bill of Particulars (Doc. 100)

Defendant argues that the indictment is not sufficient to put him on notice of the charges against him and fails to provide sufficient information to understand the nature of the charges and prepare an adequate defense. Defendant seeks the following additional information: the identity of known but unidentified co-conspirators; location of the conspiracy; the start date of the conspiracy; the acts which form the basis of the charge; the role of defendants; the terms

¹ Defendant did not file a reply and the deadline has now passed.

of the agreement; and, particulars of all conversations and meetings concerning defendant. (Doc. 100 at 2).

The government responds that the motion was filed prematurely as the deadline for discovery had not passed. The government asserts that it intends on supplying defendant with all necessary information, including a power point presentation which was used when the case was presented to the grand jury. Defendant's reply to the motion was due after the government was to disclose all information to defendant. Because defendant failed to reply, the court has no reason to believe that the government did not comply with its duty to disclose the materials to defendant.

Defendant's motion for a bill of particulars is therefore denied.² (Doc. 100).

B. Identity of Confidential Informants (Doc. 104)

Defendant moves for an order requiring the government to disclose the identity of any confidential informant and/or cooperating individuals. The government responds that there are no confidential informants or cooperating individuals who are involved in the charges concerning defendant.

Defendant's motion is therefore denied. (Doc. 104).

II. Conclusion

Defendant's motions for a bill of particulars, disclosure of grand jury materials and disclosure of confidential informants are denied. (Docs. 100, 101, 104).

² Defendant's motion for disclosure of the grand jury materials is also denied as the government informed the court that it intended to disclose the grand jury materials to defendant by May 12. (Docs. 101, 112).

IT IS SO ORDERED.

Dated this 6th day of June 2012, at Wichita, Kansas.

s/ Monti Belot

Monti L. Belot

UNITED STATES DISTRICT JUDGE