



1 **II. BACKGROUND**

2 On September 9, 2015, the Government filed an Information charging Mondala with 41 counts  
3 under seven criminal statutes: (1) 22 counts of Forgery pursuant to 6 CMC § 1701(b); (2) six counts of  
4 Misconduct in Public Office pursuant to 6 CMC § 3202; (3) eight counts of Use of Public Supplies,  
5 Time, and Personnel for Campaign Activities pursuant to 1 CMC § 8534(b); (4) two counts of Use of  
6 Public Position to Obtain Benefits for Business or Social Acquaintances pursuant to 6 CMC §  
7 8533(a)(1); (5) one count of Theft of Services pursuant to 6 CMC §1607; (6) one count of Theft  
8 pursuant to 6 CMC § 1601(a); and (7) one count of Use of Office, Staff or Employees of a Public Office  
9 for Personal Benefit pursuant to 1 CMC § 8531(b).

10 On October 30, 2015, Mondala filed the instant motion seeking an order of the Court compelling  
11 the Government to provide her with a written bill of particulars elaborating the factual basis for all 41  
12 counts contained in the Information. The Government opposes the motion.

13 **III. DISCUSSION**

14 Mondala argues that the Information does not provide any specificity as to the where or what  
15 she allegedly did. Mondala claims that disclosure of additional facts is necessary for the Government  
16 to meet its burden to provide her with sufficient notice to prepare an adequate defense.

17 The standard for determining whether an information is sufficient is not "whether it could have  
18 been more definite and certain, but whether it contains the elements of the offense intended to be  
19 charged." *Commonwealth v. Castro*, 2008 MP 18 ¶ 12 (citing *United States v. Debrow*, 346 U.S. 374,  
20 376–78 (1953) ("The charges of the indictments followed substantially the wording of the statute, which  
21 embodies all the elements of the crime, and such charges clearly informed the defendants of that with  
22 which they were accused, so as to enable them to prepare their defense and to plead the judgment in bar  
23 of any further prosecutions for the same offense.")); *e.g.*, *U.S. v. Trippe*, 171 F. Supp. 2d 230, 240  
24 (S.D.N.Y. 2001) ("Moreover, demands for particular information with respect to where, when, and with  
25 whom the Government will charge the defendant with conspiring are routinely denied."). Where an  
26 information contains the official citation of the statute under the Commonwealth Criminal Code and  
27 the evidence provided provides "precise" proof of the charges, the Court may deny a motion for a bill  
28 of particulars. *Castro*, 2008 MP 18 ¶ 14.

