

Jefferson County, Colorado <input type="checkbox"/> County Ct. <input checked="" type="checkbox"/> District Ct. Court address: 100 Jefferson County Pkwy, Golden, Colorado 80401 Phone Number: (303) 271-6180	Client copy COURT USE ONLY
Plaintiff: People of the State of Colorado Defendant: STEVE DOUGLAS GARTIN	Case Number: 04CR2541 Division 8 Courtroom 4E
Attorney for Defendant Gartin: Cooper & Associates, LLC Renée Cooper, # 20385 303 East 17 th Avenue, Suite 200 Denver, Colorado 80203 Telephone: (303) 831-1021 Facsimile: (303) 831-1025 E-mail: rc@cooperseattle.com / rc@csu.com	
MOTION FOR BILL OF PARTICULARS	

Defendant, Steve Gartin through his attorney, *Renee V. Cooper, Esq.*, and pursuant to *C.R.Crim.P. 7(g)* respectfully moves this Court for an Order directing the prosecution to file a bill of particulars particularizing the matters charged in the Complaint/Information,

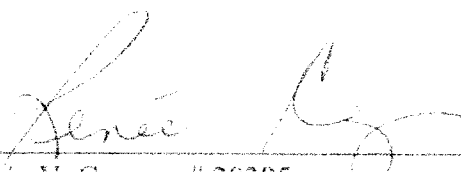
AND AS GROUNDS THEREFORE, STATES AS FOLLOWS:

1. Pursuant to *C.R.Crim.P. 7 (g)* the Court may direct the filing of a bill particulars.
2. Mr. Gartin is charged with attempting to influence a public servant, forgery an offering a false instrument for recording, apparently, based on a Pleading filed by his then attorney, Mr. Miller.
3. The listed counts lack specificity regarding the charges therein for the defendant to prepare a defense.
4. A bill of particulars calls for an exposition of the facts that the prosecution intends to prove and limits the proof at trial to those areas described in the bill. *People v. District Court, 198 Colo. 501, 603 P.2d 127 (Colo. 1979)*..
5. Based on the discovery, it is clear that the prosecution lacks a foundation for the charges herein.

6. The purpose of a bill of particulars is: "to enable the defendant to properly prepare his defense in cases where the indictment or information, although sufficient to advise the defendant of the charges raised against him, is nonetheless so indefinite in its statement of a particular charge that it does not afford the defendant a fair opportunity to procure witnesses and prepare for trial. **Erickson v. People, 951 P.2d 919, 921.**
7. When addressing a Motion for bill of particulars, the trial court should consider whether the requested information is necessary for the defendant to prepare his defense and to avoid prejudicial surprise. **People v. District Court.**
8. Here, Mr. Gartin requests the prosecution to specify the conduct which Mr. Gartin is alleged to have engaged in which constitutes a violation of **C.R.S. § 18-8-306; 18-5-102(d)(e); and 18-5-114(1)**, and the precise manner and circumstances in which the offenses charged is alleged to have been committed.
9. Mr. Gartin is charged with attempting to influence a public servant, forgery and offering a false instrument for recording.
10. Without the requested information, defendant Gartin would certainly be prejudiced and the trial would be tantamount to trial by ambush.
11. The information provided to the defense is indefinite and insufficient for Defendant Gartin to adequately prepare his defense without the bill of particulars.

WHEREFORE, Mr. Gartin respectfully requests the Court grants his Motion and enter its Order directing the prosecuting attorney to file a bill of particulars specifying the manner in which the charges herein were allegedly committed by Mr. Gartin.

Respectfully submitted this 20th of January 2006.

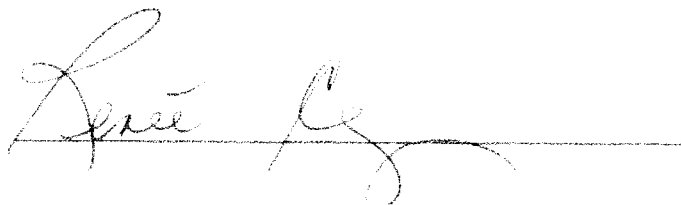


Renée V. Cooper, # 20385
Attorney for Defendant Gartin

CERTIFICATION OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing **Motion for Bill of Particulars** was served on this 20th day of January 2006, by placing the same in the United States mail, postage prepaid to ensure delivery and addressed as follows:

Dennis Hall, Esq.
Deputy District Attorney
District Attorney's Office
500 Jefferson County Parkway
Golden, Colorado 80401-6020
Facsimile: (303) 271-6888

A handwritten signature in cursive script, appearing to read "Dennis Hall", is written over a horizontal line.