UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
ASHLAND

CRIMINAL ACTION NO. 0:26-CR-33-DLB-EBA

UNITED STATES OF AMERICA **PLAINTIFF**

V. **RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR BILL OF PARTICULARS**

TIMMY G. ROBINSON, JR. **DEFENDANT**

* * * * * * *

The Defendant's Motion for Bill of Particulars, DE 25, should be denied. The Indictment undisputedly sets forth the elements of the offenses charged, and sufficiently informs the Defendant of those charges to enable him to prepare for trial. The Indictment's detail, particularly when viewed alongside the substantial discovery produced to the Defendant already, dictates denial of the Motion.

I. RELEVANT PROCEDURAL BACKGROUND

On June 4, 2026, the Defendant was charged with one count of wire fraud in violation of 18 U.S.C. § 1343, and two counts of transacting in proceeds of a specified unlawful activity, in violation of 18 U.S.C. § 1957. [DE 1: Indictment.] In addition to background information and language accurately conveying the statutory elements of the wire fraud offense, the Indictment includes thirteen detailed paragraphs specifying the manner and means of the alleged crime, including precise dates, transaction amounts,

bank accounts, and allegations regarding the Defendant's false statements and concealments of material facts. [*Id.* at ¶¶ 7-19.] The Indictment further specifies the execution of the alleged wire fraud scheme, including the date and nature of the interstate wire transmission allegedly caused by the Defendant that forms the basis of Count 1. [*Id.* at ¶ 20.] While the Indictment does not identify the names of the relevant parties to the transactions described in Count 1,[1] it is clear from the Motion that the Defendant is fully aware of those details as well. [*See* DE 25: Motion for Bill of Particulars, at 1-3.]

The money laundering charges in Counts 2 and 3 are similarly detailed, specifying not only the statutory elements of the § 1957 charges, but also the specifics of each alleged transaction. Those Counts incorporate by reference the preceding allegations of the Indictment, making clear the nature of the specified unlawful activity giving rise to the money laundering. [DE 1: Indictment at ¶ 21.] The two transactions are identified by precise date and dollar amount, and the Indictment further describes the nature of the transactions: Count 2 is described as a $325,000 "[w]ire payment to ARC Account x0157 at Truist Bank" on November 17, 2025. [*Id.* at ¶ 22.] Count 3 is described as a $997,500 "[w]ire payment to Neubert, Pepe & Monteith, P.C." on November 22, 2025. [*Id.*]

On June 26, 2026 and July 17, 2026, the United States produced discovery to the Defendant that comprises approximately 10,627 pages and provides significant detail regarding the charged offenses. An affidavit in support of a search warrant, which also details the scheme, was produced on August 7, 2026. The Defendant described this

[1] The entity described as Buyer 2, and arguably the entity described as Buyer 1, are properly considered victims of the offense.

discovery as "extensive and voluminous." [DE 23: Motion to Continue.] However, it was not a "document dump," but rather highly organized and accompanied by a detailed discovery index that described each set of records. *See* June 26, 2026 Discovery Receipt and July 17, 2026 Discovery Receipt, attached hereto as sealed Exhibits 1 and 2.[2]

On July 29, 2026, the Defendant filed his Motion for a Bill of Particulars seeking seven categories of information regarding the charges, including, among other things, the identification of witnesses, the government's theories as to which representations were false, and the government's theories regarding the victims' knowledge of the scheme. [DE 25: Motion.] Six of the seven requested categories relate to the wire fraud charge. [*Id.*]

II. LEGAL STANDARD

"The purpose of a bill of particulars is to give a defendant key factual information not contained in the indictment, so as to enable him or her to prepare a defense and avoid surprise at trial." *United States v. Page*, 575 F. App'x 641, 643 (6th Cir. 2014). It is "a tool to minimize surprise," *see United States v. Salisbury*, 983 F.2d 1369, 1375 (6th Cir. 1993), but not a discovery device through which the defendant "learn[s] the government's evidence and theories." *United States v. Musick*, 291 F. App'x 706, 724 (6th Cir. 2008). "Put another way, a bill of particulars 'is meant to apprise the defendant of the essential facts of a crime and should be required only where the charges of an indictment are so general that they do not advise a defendant of the specific facts of

[2] The discovery indices reference witness names and banking information for accounts of the Defendant and/or his businesses, and therefore should be sealed.

which he is accused.'" *United States v. Daugherty*, 2017 WL 839472, at *1 (E.D. Ky. Feb. 28, 2017) (quoting *United States v. Kerik*,615 F. Supp. 2d 256, 277 (S.D.N.Y. 2009)). "Defendants are not entitled to a bill of particulars if the indictment sets forth the elements of the offense charged and sufficiently apprises the defendant of the charges to enable him to prepare for trial." *United States v. Taylor*, 2022 WL 4227509, at *1 (E.D. Ky. Sept. 13, 2022) (internal citations and quotations omitted).

Beyond its potential misuse as an advanced discovery tool, a bill of particulars, if improvidently granted, unfairly handicaps the government at trial. "When a bill of particulars has been furnished, the government is strictly limited to the particulars which it has specified, i.e., the bill limits the scope of the government's proof at trial." *United States v. Haskins*, 345 F.3d 111, 114 (6th Cir. 1965). The Sixth Circuit therefore cautions that courts "should balance the defendant's need for the information against the effect of narrowing the Government's scope of proof." *United States v. Martin*, 822 F.2d 1089 (Table), 1987 WL 38036, at *2 (6th Cir. 1987); *see also United States v. Reid*, 2008 WL 11414538, at *1 (E.D. Ky. Feb. 26, 2008) ("The preclusive effects on proof resulting from issuance of a bill of particulars must inform the Court's discretion.").

The discovery produced by the government also factors into the Court's analysis. Where the United States has provided significant discovery, the need for a bill of particulars is reduced or eliminated, as the factual information necessary to prepare a defense is already found within those records. *See Daugherty*, 2017 WL 839472, at *3 ("[T]he Sixth Circuit has never recognized even extraordinarily dense or voluminous discovery as a justification to order a bill of particulars. To the contrary, the Circuit has

cited and approved a case's 'significant discovery' as 'providing the defendant with information about the details of the charges against him,' obviating any need for a bill of particulars.") (citing *Musick*, 291 F. App'x at 724); *see also United States v. Chew*, 2025 WL 1036549, at *2 (N.D. Oh. Apr. 8, 2025) ("A motion for a bill of particulars is less compelling where a defendant has been provided with full access to discovery.") (citing *United States v. Page*, 575 F. App'x 641, 643 (6th Cir. 2014)).

III. A BILL OF PARTICULARS IS UNNECESSARY IN THIS CASE

This is not the rare case where a bill of particulars is warranted. The Indictment contains sufficient information about the charged offenses to enable the Defendant to prepare for trial, and the discovery provided to the Defendant supplies further detail on each alleged crime.

Beginning with the wire fraud scheme, the Defendant does not claim (nor could he credibly) that the Indictment omits any element of the charged offense. Further, his Motion reveals that he understands the gravamen of the charge: "Mr. Robinson caused Angelica Capital Trust to purchase Employee Retention Credit receivables that had previously been assigned to Clear Cove Opportunities Fund I LLC, and [ ] Angelica did so in reliance on [false] representations that the receivables were free and clear of any prior claim." [DE 25: Motion at 1.]

Beyond those basics, the time frame of the alleged wire fraud scheme is explicit in the Indictment.[3] [DE 1: Indictment at ¶ 6.] The manner and means section of the

[3] This is one of several instances in which the Defendant pretends to need information that is plainly evident on the face of the Indictment itself. *See* DE 25: Motion, at 4 (demanding, as a

Indictment further specifies precise dates on which key transactions, events, and alleged false representations were made, offering a detailed chronology of the alleged crime. *See*, *e.g.*, DE 1: Indictment at ¶ 14 ("On or about October 27, 2025, ROBINSON falsely represented to Broker 1 that the Q1 ERC and Q2 ERC were available to purchase from ARC. ROBINSON concealed the prior transactions of the same ERCs with Buyer 1."). It provides dollar amounts of the transactions, identifies at least one of the bank accounts involved, describes relevant contractual provisions, and summarizes some of the Defendant's statements and actions in furtherance of the scheme. *See*, *e.g.*, *id.* at ¶ 16 ("In the sale agreement, ROBINSON falsely represented that no portion of the Q1 ERC had been previously sold, transferred, or subject to any lien or encumbrance. On or about November 12, 2025, ROBINSON electronically signed the sale agreement and caused it to be transmitted via interstate wire communication to Broker 1."). The transmission of the sale agreements containing the Defendant's false representations is clearly identified as the operative interstate wire in Count 1. *Id.* at ¶ 20. This level of detail is more than sufficient under this Court's precedent. *See Taylor*, 2022 WL 4227509, at *3 ("The Indictment signals the dates of the alleged criminal activity, the nature of the alleged criminal activities that constitute the charged 'schemes,' and the elements of each offense charged. Consequently, Defendants are not entitled to a bill of particulars because the Indictment is constitutionally sufficient to enable adequate trial preparation.").

Ultimately, what the Defendant wants is an accounting of "which of the numerous

---

category of particulars, "[t]he date on which the government contends the scheme to defraud began and the date on which it contends the scheme ended or was completed.").

communications and representations exchanged among these parties the government contends constituted the fraudulent conduct," and thus demands "[t]he specific representation or representations that the government contends were false, including the exact language of each representation, the document or communication in which each representation appears, the person who made the representation, and the date each representation was made or transmitted." [DE 25: Motion at 3.] This is an improper demand for the government's evidence and theories, and not grounds for a bill of particulars. *See Taylor*, 2022 WL 4227509, at *3 (rejecting request for bill of particulars specifying "any fraudulent statements attributable to [Defendant]" and "the factual basis for the government's assertion that any such statement or representation is false or fraudulent"); *see also United States v. Sterritt*, 678 F. Supp. 3d 317, 328 (E.D.N.Y. 2023) (holding that a "request for information regarding 'when, to whom, or how [the defendant] made any representations to investors' is exactly the type of 'wheres, whens, and with whoms' information that Courts have repeatedly rejected as 'beyond the scope of a bill of particulars.'") (internal citations omitted); *United States v. Maricle*, 2009 WL 4168974, at *2 (E.D. Ky. Nov. 20, 2009) (rejecting demands for the "whens, wheres, and hows" of the alleged offenses, as "such requests far exceed the purposes of a bill of particulars."). Ample precedent supports denial of this improper request.

The Defendant's demand for a bill of particulars on the money laundering charges is similarly flawed. He asks for the specific monetary transactions that the government contends violate 18 U.S.C. § 1957, including transaction dates, transaction amounts, the financial institutions involved, and the specified unlawful activity from which the

government contends the property involved in the transaction was derived. [DE 25: Motion at 4.] As noted above, all of these facts are alleged in the Indictment already.[4] [DE 1: Indictment at ¶¶ 21-22.] The Motion does not even make an argument as to why a bill of particulars is needed for the money laundering charges, and it is clearly unwarranted here.

Moreover, all of the factual information sought for both the wire fraud and money laundering charges – absent the government's interpretations of and theories regarding such information – is already contained in the extensive discovery disclosed to the Defendant. The Defendant can review that material, assisted by the detailed discovery indices provided by the United States, *see* Exhibits 1 and 2, and adequately prepare a defense. Even assuming the Indictment is vague in some material aspect (and it clearly is not), this eliminates the need for a bill of particulars. *See United States v. Page*, 575 F. App'x 641, 643 (6th Cir. 2014) (holding bill of particulars was unwarranted where the defendant "received ample discovery from which he could have discerned the possible identities of his co-conspirators."); *Daugherty*, 2017 WL 839472, at *3; *see also United States v. Urban*, 404 F.3d 754, 772 (3d Cir. 2005); *United States v. Schwartz*, 2026 WL 1831492, at *6 (N.D. Ill. June 25, 2026) (citing, in wire fraud case, "ample authority" for rule that "ample discovery obviates the need for a bill of particulars.").

A bill of particulars is appropriate only where it is *necessary* to notify the

[4] Paragraph 18 of the Indictment alleges that the fraud proceeds were wired into an ARC bank account at Community Trust Bank ending in *7593. The wire transactions at issue in Counts 2 and 3 originated from the same account, as is implicit in the Indictment and obvious from the provided discovery. The Indictment identifies recipient institutions or accounts.

defendant of the charges against him and adequately prepare a defense, and conversely inappropriate where it is merely helpful as a discovery roadmap or preview of the government's prosecution theories. That is particularly so because of its limiting effect on the government's proof at trial. Where, as here, the Defendant is sufficiently informed of the charges and has access to extensive discovery with which he can prepare a defense, a bill of particulars is unwarranted. The United States respectfully submits that the Motion should be denied.

Respectfully submitted,

JASON D. PARMAN
FIRST ASSISTANT UNITED STATES ATTORNEY

By: /s/ *Paul McCaffrey*
Paul McCaffrey
Assistant United States Attorney
260 West Vine Street, Ste. 300
Lexington, KY 40507
(859) 685-4820
Paul.McCaffrey@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2026, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send an electronic notice to counsel of record.

s/ Paul McCaffrey
Assistant United States Attorney