

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL NO. 3:08-cr-00107-DPJ-LRA-2

**FRANK E. MELTON,
MICHAEL RECIO and
MARCUS WRIGHT**

DEFENDANTS

**AMENDED MOTION OF DEFENDANT MICHAEL RECIO
FOR A BILL OF PARTICULARS**

COMES NOW the Defendant, Michael Recio, by and through his attorney and pursuant to RULE 7 (f), Federal Rules of Criminal Procedure, moves this court for an order requiring the Government to file and serve a Bill of Particulars as to the following matters embraced in the indictment:

1.

As to Count 1, identify the name and address of "E.W. and J.S", that is, the alleged victims, the government alleges that on August 26, 2006, Defendant Recio and Defendants Frank E. Melton and Marcus Wright combined, conspired, and agreed with one another to injure, oppress, threaten, and intimidate E.W. and J.S. in the free exercise and enjoyment of a right secured to them by the Constitution and the laws of the United States, namely; the right to be free from unreasonable searches and seizures by those acting under color of law in violation of Title 18, U.S.C. § 241.

2.

As to Count 2, identify the persons, the alleged victims, Michael Recio, Frank Melton and Marcus Wright allegedly deprived of a right secured and protected by the Constitution of the United States, namely; the right to be free from unreasonable searches and seizures by those

acting under color of law by entering the property at 1305 Ridgeway Street, without lawful justification, and purportedly damaged a home on that property and personal belongings contained therein. The government alleged that on or about August 26, 2006 in Hinds County, Mississippi, Recio, Melton and Wright used, attempted to use, and threatened to use dangerous weapons in violation of Title 18, U.S.C., §§ 242 and 2.

3.

As to Count 3, identify how Defendant, Recio, and Defendants Frank Melton and Marcus Wright on or about August 26, 2006, aided and abetted one another for which they could be prosecuted in court of the United States, specifically, the Conspiracy Against Rights and Deprivation of Rights Under Color of Law, as alleged in Counts One and Two above and incorporated herein in violation of Title 18, U.S.C. §§ 924(c) and 2.

This the 3rd day of October, 2008.

Respectfully submitted,

/s/ Cynthia A. Stewart
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Attorney for Michael Recio

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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Defendant herein, do hereby certify that the above and foregoing is being filed with the Clerk of this Court by electronic filing and will be served via e-mail by the Clerk of this Court to the following:

John M. Collette, Esq.
Jcole83161@aol.com

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Further, a copy has been delivered via First Class United States Mail, postage prepaid to:

Michael Recio
1050 Green Gable Drive
Terry, MS 39170
Mrecio@city.jackson.ms.us

This the 3rd day of October, 2008.

/s/ Cynthia A. Stewart
Cynthia A. Stewart