

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
v.	)	
	)	Crim. No. 17-201-01 (ABJ)
PAUL J. MANAFORT, JR.,	)	
	)	
Defendant.	)	

DEFENDANT PAUL J. MANAFORT, JR.'S  
MOTION FOR A BILL OF PARTICULARS

Defendant Paul J. Manafort, Jr., by and through counsel, hereby moves the Court pursuant to Fed. R. Crim. P. 7(f) to direct the Office of Special Counsel to file a bill of particulars, as set forth below. Courts in this jurisdiction have routinely recognized that it is within the sound discretion of the court to determine whether a bill of particulars is warranted to prevent unfair surprise at trial. *United States v. Butler*, 822 F.2d 1191, 1192-93 (D.C. Cir. 1987); *United States v. Hsia*, 24 F. Supp. 2d 14, 30 (D.D.C. 1998). Without the information requested below, the defendant will be subject to unfair surprise and cannot adequately prepare for trial.

**I. Identify How the Defendant “Caused” Alleged Actions**

Throughout the Superseding Indictment (Dkt. # 202)<sup>1</sup> the Office of Special Counsel avers generally that the defendant “caused” certain actions to occur without identifying how he allegedly did so. Accordingly, the Court should direct the Special Counsel to:

1. Identify how Mr. Manafort repeatedly “caused to be provided false information to financial bookkeepers, tax accountants, and legal counsel, among others.” ¶ 13. In each such instance, identify the purportedly false information to which the Government refers, the form in which it was provided, to whom it was provided, the context in which it was provided and the date upon which it was

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<sup>1</sup> All paragraph references are to the Superseding Indictment (Dkt. # 202).

provided. Further, the Special Counsel should be directed to identify who “among others” refers to in this paragraph and identify all purportedly false information provided to these unidentified individuals with particularity.

2. Identify how Mr. Manafort in November 2016 and February 2017 “caused false and misleading letters to be submitted to the Department of Justice[.]” ¶ 27.
3. Identify how Mr. Manafort from “between 2008 and 2014, both dates being approximate and inclusive . . . caused and aided and abetted Companies A, B, and C, and others . . . to act as agents of a foreign principal . . . without registering with the Attorney General as required by law.” ¶ 43. Additionally, the Special Counsel should be required to identify the companies and “others” that the defendant purportedly caused to fail to register, as requested *infra*. See III.7.
4. Identify how Mr. Manafort “caused” the false statements to be made that are alleged in paragraphs 45 and 47 of the Superseding Indictment. ¶¶ 45, 47.

## **II. Identify the Generally Alleged False and Misleading Statements**

The Office of Special Counsel alleges in the Superseding Indictment that the defendant made false and misleading statements without identifying the statements or the circumstances under which they were allegedly made. Accordingly, the Court should direct the Special Counsel to:

1. Identify each false and misleading statement that Mr. Manafort purportedly made to his tax preparers and to the United States with respect to his authority and control over foreign bank accounts, including the content of the statements, the form in which they were made, to whom they were made, the context in which they were made, and the date upon which they were made. ¶ 3.
2. Identify each false and misleading statement that Mr. Manafort purportedly made in response to the Department of Justice’s inquiries about his alleged lobbying work in 2016, including the content of the statements, to whom they were made, the context in which they were made, and the date upon which they were made. ¶ 4.
3. Confirm whether the Special Counsel is contending that Mr. Manafort is responsible for the alleged false and misleading talking points made by Mr. Gates to Company B and, if so, how Mr. Manafort is responsible for those statements or otherwise how he caused them to be made. ¶ 26.

4. Identify whether the statements that are alleged to be false and misleading in the letters to the Department of Justice referenced in paragraph 27 of the Superseding Indictment are the only representations that the Office of Special Counsel contends are false and misleading in these documents. ¶ 27. The wording of this paragraph is unclear. The Special Counsel has drafted it to say that the letters represented “among other things” the specific statements identified therein, but this leaves open the possibility that the Special Counsel may subsequently claim that other statements in the letters are false and misleading without providing adequate notice to Mr. Manafort.

### **III. Identify the Alleged “Accomplices” and “Others”**

Throughout the Superseding Indictment, the Office of Special Counsel refers to the defendant’s alleged “accomplices” and “others” who purportedly assisted him in the charged scheme without identifying such individuals or companies. Accordingly, the Court should direct the Special Counsel to:

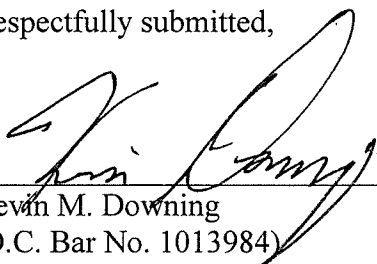
1. Identify the “accomplices” who purportedly opened “foreign nominee companies and bank accounts” in nominee names “in various foreign countries.” ¶ 3.
2. Identify who the “others” are that allegedly used the European Centre for a Modern Ukraine “to lobby and conduct a public relations campaign in the United States and Europe.” ¶ 10.
3. Identify the “others” who, along with Mr. Manafort, the Special Counsel contends “devised and intended to devise, and executed and attempted to execute, a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises from the United States and others.” ¶ 13. The Government should be required to specifically identify what money and property was obtained from the United States by the defendant’s alleged actions.
4. Identify who the “others” are that, along with Mr. Manafort and Mr. Gates, allegedly “engaged in a multi-million dollar lobbying campaign in the United States at the direction of Yanukovich, the Party of Regions, and the Government of Ukraine.” ¶ 20.
5. Identify the “others” that allegedly conspired with Mr. Manafort in Count One of the Superseding Indictment. ¶ 38.
6. Identify the “others” that allegedly conspired with Mr. Manafort in Count Two of the Superseding Indictment. ¶ 41.

7. Identify who “Companies A, B, and C” are, as well as who the “others” are, that Mr. Manafort “caused to act as agents of a foreign principal” as alleged in Count Three of the Superseding Indictment. ¶ 43.

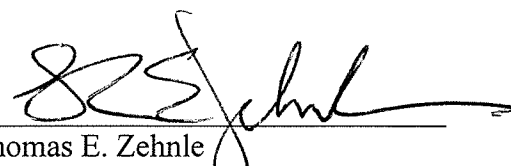
WHEREFORE, Defendant Manafort respectfully moves the Court to grant this Motion for a Bill of Particulars for the items identified herein.

Dated: April 6, 2018

Respectfully submitted,



Kevin M. Downing  
(D.C. Bar No. 1013984)  
Law Office of Kevin M. Downing  
601 New Jersey Avenue NW  
Suite 620  
Washington, DC 20001  
(202) 754-1992  
[kevindowning@kdowninglaw.com](mailto:kevindowning@kdowninglaw.com)



Thomas E. Zehnle  
(D.C. Bar No. 415556)  
Law Office of Thomas E. Zehnle  
601 New Jersey Avenue NW  
Suite 620  
Washington, DC 20001  
(202) 368-4668  
[tezehnle@gmail.com](mailto:tezehnle@gmail.com)

*Counsel for Defendant  
Paul J. Manafort, Jr.*