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**FOR PUBLICATION**

CLERK OF COURT  
SUPERIOR COURT  
FILED

2015 DEC -3 PM 1: 42

BY:   
DEPUTY CLERK OF COURT

**IN THE SUPERIOR COURT  
OF THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS,** )  
  
  **Plaintiff,** )  
  
  **v.** )  
  
**ROSE DLG MONDALA,** )  
**D.O.B. 12/01/44,** )  
  
  **Defendant.** )

**CRIMINAL CASE NO. 15-0174  
OPA CASE NO. 09-1415/10-0127**  
  
**ORDER DENYING DEFENDANT'S  
MOTION FOR BILL OF  
PARTICULARS**

**I. INTRODUCTION**

**THIS MATTER** came before the Court on November 25, 2015, at 1:30 p.m. in Courtroom 223A. Defendant, Rose Mondala, was represented by Attorney Loren A. Sutton.<sup>1</sup> Plaintiff, the Commonwealth of Mariana Islands, was represented by Assistant Attorney General Matthew C. Baisley. Based upon the written briefs, oral arguments, and applicable law, the Court **DENIES** Mondala's Motion for a Bill of Particulars.

At the conclusion of the hearing, the Court ordered the Government to submit a sworn affidavit describing whether it provided pre-trial discovery to Mondala. The Government did so on the same day, November 25, 2015.

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<sup>1</sup> The instant motion was prepared by the Office of the Public Defender. The PDO withdrew from Mondala's representation on November 12, 2015, citing a conflict of interest.

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.

1 There are two reasons why the Court finds that the Information is proper. First, the Government  
2 showed that the Information contains language of the statutes allegedly violated, the date of the action,  
3 and the action which constituted the crime. For example, Count I of the Information provides that:

4 On or about June 15, 2009, on Saipan, Commonwealth of the Northern Mariana Islands, the  
5 Defendant, **ROSE DLG. MONDALA**, with the intent to defraud or injure and/or with the  
6 knowledge that she was facilitating a fraud or injury, made, completed, executed, authenticated  
7 and/or issued a writing so that it purported to be the act of another who did not authorize that  
8 act, to wit: defendant signed the signature of another person to invoice #426316 submitted by  
a commercial vendor to a government agency for payment, without the permission of the  
aforementioned person, in order to hide and/or obscure the eventual disposition of the goods  
and/or services covered by said invoice, in violation of 6 CMC § 1701(b), and made punishable  
by 6 CMC §§ 1701(c), 4101(b), and 1 CMC § 7851.

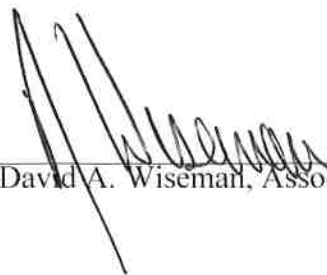
9 *Commonwealth v. Mondala*, Crim. No. 11-0174 (NMI Super. Ct. Sept. 9, 2015) (Information at 1).  
10 Accordingly, all of the elements of the crime as charged are shown with sufficient specificity under the  
11 *Castro* standard.

12 Second, Mondala's request is for a more certain and more definite Information. Specifically,  
13 Mondala requests additional information as to the where, when, and with whom of the Government's  
14 case against her. However, there is no requirement that the Information be the sole source of available  
15 information as the defendant prepares his or her defense. The sufficiency of an Information is measured  
16 in its entire context, including discovery presented to the defendant. *See Castro*, 2008 MP 18 ¶ 14  
17 ("Finally, the prosecution supplemented the Information by providing Castro with thirty pages of  
18 discovery materials, which also stated that Castro touched the girl's breast."). Here, the Government  
19 submitted a declaration stating that it provided Mondala with 301 pages of pre-trial discovery. Baisley  
20 Decl. ¶ 3. Therefore, the Court finds that the Government met its burden to show that the Information  
21 provides Mondala with sufficient notice of the charges and allows her to prepare an adequate defense.

22 **CONCLUSION**

23 For the foregoing reasons, Mondala's Motion for a Bill of Particulars is **DENIED**.

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25 **SO ORDERED** this 3 day of December, 2015.

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David A. Wiseman, Associate Judge