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**OKANOGAN COUNTY SUPERIOR COURT
FOR THE STATE OF WASHINGTON**

STATE OF WASHINGTON,)	Case No. 15-1-00202-1
)	
Plaintiff,)	MOTION FOR A BILL OF PARTICULARS
v.)	
)	
JAMES FAIRE,)	
)	
Defendant.)	

1.0 REMEDY BEING SOUGHT

COMES NOW JAMES FAIRE, by and through counsel of record, Stephen Pidgeon, and MOVES this court for a Bill of Particulars in regard to the charges being made against James Faire.

2.0 POINTS AND AUTHORITIES

The information/charging documents for defendant are defective for lack of specificity because they do did not state the "when, where or how" of the charged crimes. Washington courts have repeatedly distinguished informations which are constitutionally deficient and those which are merely vague. Even if the information/charging documents state each statutory element of the crimes in this instance, but are vague as to some other matter significant to the defense, a bill of particulars

1 can correct the defect. *State v. Noltie*, 116 Wn.2d 831, 843, 809 P.2d 190 (1991); *State v. Bergeron*,
2 105 Wn.2d 1, 18, 711 P.2d 1000 (1985).

3 James Faire therefore seeks an Order requiring the state to plead all elements of each and
4 every charge with particularity, setting forth the “who, what, when, where, and how” of each element
5 that the state is required to prove beyond a reasonable doubt.
6

7 Dated this 3rd day of February, 2016.
8
9

10 _____
11 Stephen Pidgeon, WSBA #25265
12 1523 132 Street SE, STE C-350
13 Everett, Washington 98208
14 (425)605-4774
15 Attorney for James Faire

16 **Certification of Service**

17 The undersigned also certifies that the foregoing was served on the Prosecutor for Okanogan
18 County by delivering to the following:

19 Karl Sloan
20 237 Fourth Avenue N.
21 Okanogan, WA 98840
22 Telephone: (509) 422-7280

23 By Express Mail, postage prepaid this 4th day of February, 2016.
24

25 _____
26 STEPHEN W. PIDGEON, WSBA #25265
Attorney for Defendant