

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE ) SECOND DIVISION  
Plaintiff )  
vs. )  
DARRIUS MONTRELLE SNEED ) DOCKET NO. 305686  
Defendant )

**DARRIUS MONTRELLE SNEED'S MOTION NO. 11  
MOTION FOR BILL OF PARTICULARS**

Comes the Defendant, Darrius Montrelle Sneed, pursuant to Tenn. R. of  
Crim. P. 7( c) and State v. Hammonds, 30 S.W3d 294 (Tenn. 2000), and requests  
the State to furnish a Bill of Particulars with reference to the above-numbered Presentment, to  
include as to Mr. Sneed:

1. The exact nature and circumstances of his alleged racketeering pattern so that the  
defendant may have notice of the criminal act(s) to be proved beyond a reasonable doubt against  
him at trial. Specifically, notice must be given of any "incident of racketeering activity"  
("Predicate Act") alleged to support the Presentment's claim of his involvement in a "pattern  
of racketeering activity." See Tenn. Code Ann. § 39- 12-203(9).

2. The exact nature and circumstances of his alleged "criminal gang offense," Tennessee  
Code Annotated § 40-35-121(a)(3) constituting "racketeering activity" which Mr. Sneed is  
claimed to have committed, attempted to commit, conspired to commit, solicited, coerced or  
intimidated another to commit. Tenn. Code Ann. § 39- 12-203(9).

3. The identity of any person present when any required Predicate Act(s) or criminal gang offense took place. See *State v. Hicks*, 666 S.W2d 54, 56 (Tenn. 1984); see also Tenn. Code Ann. § 39-12-203(6)(pattern as involving same victims and/or accomplices).
4. The exact distinguishing and interrelated characteristic(s) of any Predicate Act, as expressly required in establishing a "pattern of racketeering activity" per the statute. Tenn. Code Ann. § 39-12-203(6) (requiring proof of same or similar intents, results, methods of commission or otherwise distinctive particularities).
5. The exact location(s) in Hamilton County where his Predicate Act(s) and/or criminal gang offense activity is alleged to have occurred.
6. The exact date(s) upon which his Predicate Act(s) and/or criminal gang offense activity is alleged to have occurred.
7. If his criminal gang offense activity and/or Predicate Act is one specifically alleged in Count Three through Thirteen of the Presentment, notice under the Bill of Particulars should state with specificity the above-required information describing Mr. Sneed's direct or indirect involvement in such conduct.

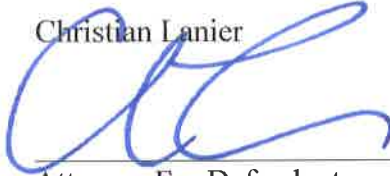
As grounds, Sneed is charged in Count One: The Racketeering Enterprise and Count Two: The Racketeering Conspiracy ("the substantive RICO counts") of the instant Presentment.

file appropriate motions, challenge the excessiveness of bond, locate and interview witnesses, discover and assess counsel's possible conflicts of interest vis-a-vis witnesses, examine venue and jurisdiction, and engage in virtually every other component critical to an effective and ethically sound defense. Consequentially, the State cannot satisfy its burdens under Tenn. Const. Art. 1, § 9, Sixth Amendment, and Tenn. R. Crim. P. 7( c),with the blanket, conclusory and non-individuated Presentment currently at issue. See *State v. Byrd*, 820 S.W.2d 739 (Tenn. 1991) (conviction must be reversed if trial establishes state possessed and withheld information helpful to pinpoint the time, nature, and place of offense); see also *Stanley v. State*, 104 S.W.2d 819, 821 (Tenn. 1937) (whether by indictment or presentment, the charging document must be sufficient in its statements and charges to advise the accused of the offense so as to enable him to mount a defense); *Hicks*, supra 57 ("[t]he issue before us is not whether the indictment in this case is legally sufficient or whether or not the defendants timely motion for bill of particulars respecting the time and place of the offenses charged just been granted under Rule 7 ( c ) We are of the opinion that the defendant's motion should have been granted and that the trial court committed reversible error in denying that motion").

**W**HEREFORE, notice of these particulars is necessary to protect defendant's Constitutional rights and to determine the necessity of timely challenging the Presentment or its institution prior to the October discovery deadline. Without this notice defendant will be deprived of a fair trial, effective assistance of counsel, and due process under the Fifth, Sixth and 14th Amendments to the United States Constitution and Tenn. Const., art. I, §§ 8 and 9.

Respectfully submitted,

Christian Lanier



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BPR # 4670

### CERTIFICATE OF SERVICE

This is to certify that on the 31 day of Oct,  
2018, I served a copy of the foregoing document on the following persons by  
first class U.S. Mail or hand delivery:

Mr. Neal Pinkston  
District Attorney General  
of Hamilton County  
3<sup>rd</sup> Floor  
Hamilton County Courts Building  
Chattanooga, TN 37402



Christian Lanier  
Attorney At Law

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