

**IN THE COURT OF COMMON PLEAS
LYCOMING COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH

v.

**MELISSA SNYDER,
Defendant**

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No.: CR-337-2005

OPINION AND ORDER

Before the Court is Defendant’s motion to compel answer to bill of particulars filed June 22, 2005. A hearing was held on the motion on July 5, 2005. Defense counsel asserts that the particulars requested are needed to limit the evidence and clarify theories to be produced in the trial.

“The purpose of bill of particulars is to give notice to the accused of the offenses charged in the bill of indictment so that he may prepare a defense, avoid surprise, or intelligently raise pleas of double jeopardy and the bar of the statute of limitations . . . It is not designed to perform the function of a discovery device and the Commonwealth's evidence is not a proper subject to which a petition for a bill may be directed.” *Commonwealth v. Mervin*, 230 Pa.Super. 552; 326 A.2d 602 (1974); See also *Commonwealth v. Sabo*, 83 Pa.Super. 166 (1924) (motion for a bill of particulars “will only be granted to prevent surprise or injustice, never to specify the evidence to be adduced by the Commonwealth.”)

The Court finds in the instant case that the affidavit of probable cause has set forth with sufficient detail the acts that are alleged to have occurred. Further, Defendant has been provided

discovery. The Court finds that the Defendant has notice of the offenses charged to allow him to prepare for trial and prevent surprise. The Court will therefore deny Defendant's motion for bill of particulars.

ORDER

AND NOW, this ____ day of July, Defendant's motion to compel answer to bill of particulars is hereby DENIED.

By the Court,

Nancy L. Butts, Judge

xc: DA (KO)
PD (NS)
Honorable Nancy L. Butts
Law Clerk
Judges
Gary Weber, Esq.