

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE                    )  
  )  
                  v.                            ) ID 0804009949  
  )  
MILLARD PRICE,                         )

*Upon Defendant’s Motion for Bill of Particulars. Denied.*

Submitted:    October 16, 2009  
Decided:      November 6, 2009

**ORDER**

Defendant Millard Price has requested that the State provide more specific answers than those presented in the State’s bill of particulars, dated September 30, 2009.

Defendant’s request is denied.

Defendant’s motion for a bill of particulars contains two sets of questions about the alleged misdemeanors that allegedly took place prior to the murder and related events of April 9, 2008. One set of questions pertains to Count 25, Assault Third Degree, and the other pertains to Count 26, Offensive Touching. For each of the two counts, Defendant asked when did the alleged crime occur, where did it occur and when in relation to the murder did it occur. In its response, the State answered each question with more information than what is provided in the indictment. Nevertheless, Defendant seeks greater specificity.

In response to Defendant’s question, “When did the alleged assault occur?” the State responded “between March 1, 2008 and April 9, 2008.” Defendant objects to this answer because in a pre-trial brief, the State refers to the misdemeanors as occurring “approximately two weeks prior to the alleged murder.” These answers are not so different that the State must answer yet again. There is no requirement for the State to disclose the precise date where the date is not an essential element of the offense,<sup>1</sup> and, in this case, the Court finds that the State’s response to this question suffices.

Other than his general request for greater specificity, Defendant does not object to any other responses or seek for further information. Having read the State’s responses, the Court finds that they serve the purpose of a bill of particulars – to provide notice supplemental to information contained in the indictment.<sup>2</sup> That is exactly what the State’s response does in this case.

For all these reasons, Defendant’s request for further responses to the motion for a bill of particulars is **DENIED**.

**IT IS SO ORDERED.**

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Richard F. Stokes, Judge

Original to Prothonotary

cc: Paula T. Ryan, Esquire  
John W. Donahue, Esquire  
Stephanie A. Tsantes, Esquire  
John Daniello, Esquire  
Joseph A. Hurley, Esquire

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<sup>1</sup>*State v. Bittenbender*, 2001 WL 789633 (Del. Super.).

<sup>2</sup>*Lovett v. State*, 516 A.2d 455, 467 (Del. 1986).