

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

United States of America

Prosecution

No. 10:24-CM-0131

Before: Associate Justice Jordan Kingly

OPINION AND ORDER OF THE COURT

v.

Kimberly Yanking's

Defendant

OPINION AND ORDER OF THE COURT

The Criminal Information supply does comply with the Federal Rules of Criminal Procedure. "In all criminal prosecutions, the accused shall enjoy the right to be informed of the nature and cause of the accusation" see

[U.S. Const Amend. VI](#). A right that the District of Columbia desperately fails to entertain.

Knowing the nature of the offenses that the United States is charging the defendant with is fundamental to allowing all defendants a fair chance to create their defense because it is well-founded that "the accused is entitled to know the nature and cause of accusation against them, and that a charge must be sufficiently

definite to enable him to make his defense and avail themselves of the record of conviction or acquittal" (see

[Armour Packing Co. v. United States, 209 U.S. 56, 83 \(1908\)](#). The Supreme Court has articulated that both

criminal informations and indictments must unambiguously articulate ALL the elements necessary to

constitute the offense charged, with "words, fully, directly, and expressly, without any uncertainty or

ambiguity," see [United States v. Carll, 105 U.S. 611 \(1881\)](#) ensuring that defendants are precisely informed

of the charges against them.

43 This requirement is not procedural, but constitutional. In *Cochran v. United States*, the Court necessity for a
44 to "contain the elements of the offense intended to be charged" and to "sufficiently apprise the defendant of
45 what he must be prepared to meet." This principle is crucial for the preparation of an effective defense and
46 for safeguarding against double jeopardy.
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49 The Court notes that it deprives the defendant of "reasonable certainty of the nature of the allegation against
50 him" thereby undermining the defendant's ability to prepare a defense and use the judgment as further
51 evidence to stop double jeopardy cases. The Criminal Information is in violation of Rule Fed. R. Crim.
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58 For the foregoing reasons, this case is hereby **DISMISSED** with prejudice.
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Honorable Justice Jordan Kingly
United States Supreme Court
Chair 2

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