

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CLERK'S MINUTES

CASE NO.: 8:19-cr-605-WFJ-CPT	DATE: October 20, 2022	
HONORABLE WILLIAM F. JUNG		
UNITED STATES OF AMERICA	GOVERNMENT COUNSEL Rachelle DesVaux Bedke, AUSA	
v.		
MICHAEL J. DACORTA	DEFENSE COUNSEL Matthew P. Farmer, CJA	
COURT REPORTER: Becky Sabo	DEPUTY CLERK:	Caleb Houston
TIME: 11:08 AM – 12:15 PM	COURTROOM:	15B
TOTAL: 1 Hour 7 Minutes		
	PROBATION:	Wilmarisa Martinez

PROCEEDINGS: CRIMINAL MINUTES – SENTENCING REFORM ACT MINUTES

Court called to order.

Counsel identified for the record.

Defendant is adjudged guilty on Counts One, Two, and Three of the Superseding Indictment.

Statement made by Patti Katter.

Statement made by Kenneth Katter.

Statement made by Burton Wiand.

Government counsel addressed the Court.

Defense counsel addressed the Court.

Defendant addressed the Court.

Defendant's Oral Motion for Downward Variance is **GRANTED** for the reasons stated on the record.

Imprisonment: **TWO HUNDRED SEVENTY-SIX (276) MONTHS. This term consists of a 240-month term as to Count One concurrently with a 120-month term as to Count Two, and a consecutive 36 month term as to Count Three.**

Supervised Release: **THREE (3) YEARS. This term consists of a 3-year term as to Counts One and Two and a 1-year term as to Count Three, all such terms to run concurrently.**

Fine is waived.

Restitution: \$53,270,336.08 (See *Criminal Monetary Penalties section of the Judgment for details*) joint and several with Joseph S. Anile 8:19-cr-334-MSS-CPT.

While in the Bureau of Prisons custody, the defendant shall either (1) pay at least \$25 quarterly if the defendant has a non-Unicor job or (2) pay at least 50% of his monthly earnings if the defendant has a Unicor job. ***Upon release from custody***, the defendant shall make monthly payments of no less than \$200.00 and this payment schedule shall continue until such time as the Court is notified by the defendant, the victim or the government that there has been a material change in his ability to pay.

Special Assessment: \$300.00 to be paid immediately.

Special conditions of supervised release:

1. Defendant shall submit to a search of his person, residence, place of business, any storage units under his control, computer, or vehicle, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition. Failure to submit to a search may be grounds for revocation.
2. Defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or obligating himself/herself for any major purchases without approval of the probation officer.
3. Defendant shall provide the probation officer access to any requested financial information.
4. Defendant shall refrain from engaging in any employment related to financial trades or consultation related to trades.
5. Defendant shall cooperate with the Internal Revenue Service regarding all outstanding taxes, interest, and penalties relating to the offense of conviction.
6. Defendant shall fully cooperate with the Internal Revenue Service and in keeping with that cooperation provide the Internal Revenue Service with lawful tax returns for the years 2016 and 2017. Additionally, defendant shall pay all outstanding taxes, interest, and penalties relating to the offense of conviction. Furthermore, you shall provide the probation officer with verification that the income tax obligations are being met to the fullest extent possible.

Defendant is to cooperate in the collection of DNA as instructed by the Probation Officer.

The mandatory drug testing provisions of the Violent Crime Control Act are suspended. However, the Court orders Defendant to submit to random drug testing not to exceed 104 tests per year.

The Court makes the following recommendations to the Bureau of Prisons:

- Defendant be incarcerated at FPC Coleman as his 1st choice, FCI Tallahassee as his 2nd choice, and FPC Montgomery as his 3rd choice.

The underlying Indictment is dismissed on the motion of the United States.

Original indictment is dismissed on motion by the U.S. Attorney.

Defendant advised of right to appeal and to counsel on appeal.

Defendant is remanded to the custody of the US Marshal.

Forfeiture ordered by the Court. Forfeiture order entered on October 20, 2022 is made a part of the Judgment.

GUIDELINE RANGE DETERMINED BY THE COURT AT SENTENCING

Total Offense Level	43
Criminal History Category:	I
Imprisonment Range	396 months
Supervised Release Range	1-3 years as to Counts 1 and 2 1 year as to Count 3
Restitution:	\$53,270,336.08
Fine Range	\$50,000.00 - \$250,000.00
Special Assessment	\$300.00

Adjustments/changes to the PSR: Court adjourned.