

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:19-cr-334-T-35CPT

JOSEPH S. ANILE, II

**UNITED STATES' UNOPPOSED MOTION FOR AMENDED
PRELIMINARY ORDER OF FORFEITURE FOR DIRECT ASSET**

Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the United States of America moves for an amended preliminary order of forfeiture for the following asset, which constitutes proceeds of the wire and mail fraud conspiracy:

Approximately \$2,005,368.28 held in Barclays Bank Plc BBRE suspense account: sort code 20-00-00, account number 53016133.

Since the entry of the October 3, 2019 preliminary order of forfeiture which forfeited the defendant's interest in "[a]ll funds in any foreign exchange market accounts established by the defendant and/or Oasis International Group, Ltd., Oasis Management, LLC, Oasis Global FX, Ltd., and/or Oasis Global, S.A., to receive proceeds of the offenses" (the Oasis FOREX Funds) (Doc. 23), the United States has become aware that the remaining Oasis FOREX Funds are currently being held in Barclays Bank Plc BBRE suspense

account: sort code 20-00-00, account number 53016133. Therefore, the United States seeks to amend the preliminary order of forfeiture to more accurately describe the location of the Oasis FOREX Funds, so that the order can be properly served and enforced in the United Kingdom. Gerard Marrone, counsel for Joseph Anile, has advised that he has no opposition to the relief requested in this motion.

In support of its motion, the United States submits the following memorandum of law.

MEMORANDUM OF LAW

I. Statement of Facts

1. On September 26, 2019, Joseph Anile pled guilty to a wire and mail fraud conspiracy, illegal monetary transaction, and filing a false income tax return, as charged in Counts One through Three of the Information. Doc. 1.
2. Pursuant to his Amended Plea Agreement, the defendant agreed to forfeit, among other things, the Oasis FOREX Funds which he agreed constituted proceeds of the offenses. Doc. 19 at 11-12.
3. On October 3, 2019, this Court entered an Order of Forfeiture and Preliminary Order of Forfeiture for Direct Assets for the Oasis FOREX Funds. Doc. 23.

4. Since entry of the Preliminary Order of Forfeiture for the Oasis FOREX Funds, the United States has become aware that the Oasis FOREX Funds were originally deposited into two ATC Brokers Ltd accounts at Barclays Bank Plc in the United Kingdom. Upon notification of the potential fraud, the bank later segregated the Oasis FOREX Funds and placed them into Barclays Bank Plc BBRE suspense account: sort code 20-00-00, account number 53016133 (Barclays Suspense Account 6133). Barclays Suspense Account 6133 currently holds approximately \$2,005,368.28 of the Oasis FOREX Funds.

5. The United States now seeks to amend the Preliminary Order of Forfeiture to specifically identify the location and account in which the Oasis FOREX Funds are currently held so that the order can be served and enforced in the United Kingdom in accordance with a Mutual Legal Assistance Treaty request.

II. Applicable Law

Criminal forfeiture was originally ordered in this case pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c). Further, pursuant to Rule 32.2(b), the Court made both a factual determination regarding the sufficiency of the *nexus* between the offenses and the Oasis FOREX Funds, and a legal finding that the Oasis FOREX Funds were subject to forfeiture and, therefore,

entered a preliminary order of forfeiture for those funds. The United States now seeks an amended preliminary order of forfeiture simply to identify the specific account in which these funds are currently held.

III. Conclusion

For the reasons stated above, the United States requests that, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), the Court enter an amended preliminary order of forfeiture for “approximately \$2,005,368.28 held in Barclays Bank Plc BBRE suspense account: sort code 20-00-00, account number 53016133.”

The United States further requests that, in accordance with his Amended Plea Agreement (Doc. 19, p. 17), the Amended Preliminary Order of Forfeiture for direct asset become final as to the defendant at the time it is entered.

Upon issuance of the Amended Preliminary Order of Forfeiture, the United States will provide written notice to all third parties known to have an alleged legal interest in the property and will publish notice on the Internet at www.forfeiture.gov of its intent to forfeit the property. Determining whether a third party has any interest in the property must be deferred until a third party files a claim in an ancillary proceeding under Rule 32.2(c).

As required by Federal Rule of Criminal Procedure 32.2(b)(4)(B), the

United States requests that the Court include the forfeiture when orally pronouncing the sentence and in the judgment. *See* Fed. R. Crim. P. 32.2(b)(4)(B) and *United States v. Kennedy*, 201 F.3d 1324, 1326 (11th Cir. 2000).

The United States further requests that the Court retain jurisdiction to address any third party claim that may be asserted in these proceedings, to enter any further order necessary for the forfeiture and disposition of such Property.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

s/Suzanne C. Nebesky
SUZANNE C. NEBESKY
Assistant United States Attorney