

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

SENTENCING MEMORANDUM

The United States of America, by Maria Chapa Lopez, United States Attorney for the Middle District of Florida, files this memorandum in anticipation of the sentencing hearing of Joseph S. Anile, II, which hearing is scheduled for November 18, 2020. (Doc. 46).

The government has no objection to the factual accuracy of the Presentence Investigation Report or to the Probation Officer's calculation of the applicable Sentencing Guidelines. Consistent with Mr. Anile's plea agreement, the government recommends that the Court impose a sentence within the applicable Sentencing Guidelines range. (*See* Doc. 19 at ¶ A7). The government recommends no upward departure. (*See id.* at ¶ A9). Further, the government submits that a sentence at the low end of the range would be appropriate in this case.

At present, the government is not in a position to file a USSG 5K1.1 motion for a downward departure based upon substantial assistance because

Mr. Anile has not yet completed his cooperation. Based upon his cooperation to date, the government anticipates being able to file such a motion after Mr. Anile has completed his cooperation, including by testifying truthfully at the trial of his coconspirator in the case of *United States v. Michael J. DaCorta*, Case No. 8:19-cr-605-T002CPT. Mr. DaCorta's trial is set for May 2021. (*See id.* at Doc. 30).

As to restitution, the government respectfully requests that the Court order that restitution payments be made directly to the Court-appointed receiver in the related case of *Commodity Futures Trading Commission v. Oasis International Group, Limited, et al.*, Case No. 8:19-cv-886-VMC-SPF. The receiver is responsible for recovering all funds and other assets that can be aggregated for the benefit of the victim-investors and then disbursing said proceeds to the victim-investors to compensate them for their losses to the maximum extent possible. Given the number of victim-investors in this case, the loss amount, and the fact that the receiver has been working on these issues since April 2019, including, but not limited to, locating victim-investors and calculating and substantiating loss amounts, the government submits that the Court-appointed receiver is best equipped to carry out the duty of receiving restitution payments from Mr. Anile and disbursing the same to victim-investors along with other proceeds available for the purpose.

With respect to the statutory sentencing factors, the government submits that a sentence within the applicable Sentencing Guidelines range would reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, and afford adequate deterrence to criminal conduct. *See* 18 U.S.C. § 3553(a)(2)(A), (B). The government will be prepared to address the other sentencing factors as appropriate, including any mitigation offered by Mr. Anile, at the sentencing hearing.

Respectfully submitted,

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U.S. v. Joseph S. Anile, II

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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2020, 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 the following:

Gerard Marrone, Esquire
Michael Gonzalez, Esquire

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