

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:19-cr-334-MSS-CPT

JOSEPH S. ANILE II

**UNITED STATES' UNOPPOSED MOTION
TO FURTHER POSTPONE BOP REPORT DATE**

The United States of America, by Karin Hoppmann, Acting United States Attorney for the Middle District of Florida, through the undersigned Assistant United States Attorney, hereby files this unopposed motion to further postpone the date by which defendant Joseph S. Anile II must report to the Bureau of Prisons to begin serving his term of incarceration. At present, Mr. Anile is required to voluntarily surrender “no earlier than December 2021.” (Doc. 64). For the reasons set forth below, the government respectfully requests that the Court further postpone Mr. Anile’s BOP report date and enter an Order directing that Mr. Anile not have to report until after the conclusion of co-conspirator Michael J. DaCorta’s trial.

On September 26, 2019, Mr. Anile pled guilty to an Information charging him with conspiracy to commit wire fraud and mail fraud, in violation of 18 U.S.C. § 1349, engaging in an illegal monetary transaction, in violation of 18 U.S.C. § 1957, and filing a false income tax return, in violation of 26 U.S.C. § 7206(1). Mr. Anile did so pursuant to a plea agreement with the government, which includes

cooperation provisions. Mr. Anile has been cooperating, and continues to cooperate, with the government in its ongoing investigation of a very complex investment fraud scheme and preparations for the trial of his co-conspirator, Michael J. DaCorta. *See United States v. Michael J. DaCorta*, Case No. 8:19-cr-605-WFJ-CPT.

On November 18, 2020, Mr. Anile was sentenced to 120 months of imprisonment, followed by three years of supervised release, and was ordered to pay \$53,270,336.08 in restitution. (Doc. 58). Notably, the Court ordered that “[r]estitution shall be paid jointly and severally with Michael J. DaCorta in related case No. 8:19-cr-605-T-02CPT.” *Id.* At the time of Mr. Anile’s sentencing, Mr. DaCorta’s case was set for trial on the May 2021 calendar. (*See DaCorta* case at Doc. 28). Based upon that trial setting and the challenges posed by the COVID-19 pandemic, the parties asked this Court to delay Mr. Anile’s report date to allow the government to have ready access to Mr. Anile for purposes of preparing for Mr. DaCorta’s trial and in the interest of Mr. Anile’s fragile health status. In response to the parties’ request, the Court ordered that Mr. Anile “shall surrender for service of sentence ... **not before June of 2021.**” (Doc. 58 at 2).

Since the date of Mr. Anile’s sentencing, Mr. DaCorta’s trial has been continued twice—first to the October 2021 trial calendar (*see DaCorta* case at Doc. 36) and, most recently, to the February 2022 trial calendar (*see DaCorta* case at Doc. 71). The trial is estimated to last three weeks. *Id.*

The government requires additional time to work with Mr. Anile in order to prepare for the trial of Mr. DaCorta. Allowing Mr. Anile to remain at home pending the *DaCorta* trial will greatly facilitate the government's ability to complete that work. The government submits that allowing Mr. Anile to remain at home is also more likely to insure he remains healthy pending and through the trial. Mr. Anile's current conditions of release permit him to leave his home only for medical appointments and for legal proceedings and to consult with counsel. The government would request that Mr. Anile's conditions be modified slightly to allow him to leave his home, as necessary, to meet with government counsel for trial preparation purposes as well.

The government has consulted with Mr. Anile's local counsel, Michael Gonzalez, and he is in agreement with the government's request.

The government has also consulted with Pretrial Services Officer Jacob Ely. Officer Ely, who supervises Mr. Anile, has no objection to the government's request.

For all of the foregoing reasons, the United States respectfully requests that the Court further postpone Mr. Anile's BOP report date and order that Mr. Anile not

have to report until after the conclusion of co-conspirator Michael J. DaCorta's trial, which is now set to begin in February 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2021, 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, Esq.
Michael Gonzalez, Esq.
counsel for Joseph S. Anile II

/s/ Rachelle DeVaux Bedke
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