

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

**MOTION BY THE UNITED STATES  
FOR REDUCTION IN SENTENCE  
PURSUANT TO FED. R. CRIM. P. 35(b)(2)**

The United States of America, by Roger B. Handberg, United States Attorney for the Middle District of Florida, and pursuant to Fed. R. Crim. P. 35(b)(2), hereby moves for a sentence reduction for defendant Joseph S. Anile II, and further states:

1. On April 18, 2019, Mr. Anile became aware of the government's parallel investigations. On that date, federal agents executed search warrants at, among other locations, his personal residence, and the Commodity Futures Trading Commission's parallel civil action, which by then had given rise to a statutory restraining order, appointment of a temporary receiver, and other equitable relief, was unsealed. *See Commodity Futures Trading Commission v. Oasis International Group, Limited et al.*, Case No. 8:19-cv-886-VMC-SPF.

2. Mr. Anile proffered with the government on May 2, 2019, and he had agreed to plead guilty to an information, charging him with conspiracy to commit wire fraud and mail fraud, an illegal monetary transaction, and filing a false income

tax return, pursuant to a plea agreement by August 2019 (Doc. 3). He entered his guilty plea on September 26, 2019. (*See* Docs. 12 and 19.)

3. On November 18, 2020, this Court sentenced Mr. Anile to a term of 120 months of imprisonment, followed by three years of supervised release, and ordered him to pay \$53,270,336.08 in restitution. (Doc. 58.) 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.” In fashioning an appropriate sentence, the Court granted the defendant’s motion for a downward variance, pursuant to 18 U.S.C. § 3553(a)(1), based upon Mr. Anile’s history and characteristics, including his charitable service/good works, physical condition, and the difficulty of serving a prison sentence during the COVID pandemic with ongoing medical issues. (*See* Doc. 59.)

4. Mr. Anile was permitted to voluntarily surrender to the facility designated by the Bureau of Prisons (BOP), and his report date has been continued to afford the government ready access to Mr. Anile during its preparations for co-conspirator Michael J. DaCorta’s trial and, in particular, Mr. Anile’s testimony at that trial. (*See* Docs. 64, 66, 68.) Defendant DaCorta’s trial concluded on May 4, 2022, when the jury returned verdicts of guilty on all three counts charged—that is, conspiracy to commit wire fraud and mail fraud, an illegal monetary transaction, and filing a false income tax return. *See United States v. Michael J. DaCorta*, Case No. 8:19-cr-605-WFJ-CPT at Doc. 192. Mr. Anile has been directed to report to the BOP on June 1, 2022.

5. Since the date of his proffer, through his guilty plea and sentencing, and continuing throughout the government's investigation and prosecution of defendant DaCorta, Mr. Anile assisted law enforcement, which assistance the government views as substantial assistance. Specifically, Mr. Anile provided detailed information and relevant records concerning the fraud scheme charged, the individuals involved, and the disposition of fraud proceeds. He assisted the government by providing information necessary to respond to defendant DaCorta's Motion in Limine to Exclude Evidence and Testimony of Joseph Anile Protected by Attorney-Client Privilege filed on August 30, 2021, more than nine months after Mr. Anile's sentencing hearing. (*See DaCorta* case at Doc. 72). Most important, Mr. Anile met with agents and prosecutors at length on multiple occasions to help the government prepare for defendant DaCorta's trial and, in particular, Mr. Anile's testimony at that trial in April/May of this year. Mr. Anile's trial testimony was critically important to the government's case.

6. For these reasons, the government respectfully requests that, pursuant to Fed. R. Crim. P. 35(b)(2), this Court grant this motion for a downward departure in recognition of the substantial assistance provided by Mr. Anile to the government.

The government recommends a six-level downward departure, placing Mr. Anile in a guideline range of 57–71 months.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2022, 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.

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