

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

UNITED STATES OF AMERICA

v.

Case No. 8:19-CR-605-WFT-CPT

MICHAEL J. DACORTA
_____ /

**UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL
FROM THE OCTOBER TRIAL TERM**

COMES NOW, the Defendant, MICHAEL J. DACORTA, by and through undersigned counsel and pursuant to 18 U.S.C. §3161(h)(8) and Local Rule 3.09, and hereby moves this Honorable Court for its Order continuing the trial in this cause scheduled on the October 2021 Trial Term. As grounds in support thereof, Ms. DaCorta shows:

1. Mr. DaCorta's case is set on the October 2021 trial term, which commences on October 4, 2021. Doc. 36.
2. Mr. DaCorta is charged in a February 17, 2021, 3-Count Superseding Indictment with Conspiracy to Commit Wire and Mail Fraud, Illegal Monetary Transaction, and False and Fraudulent Statements on Income Tax Return offenses. Doc. 39. The alleged criminal conduct spanned an approximately 8-year period of time between November 2011 and April of 2019.

Id.

3. The wire and mail fraud conspiracy is alleged to involve a Ponzi style scheme involving over 500 victims with more than \$70 million in intended loss. The alleged mail and wire fraud relate to Mr. DaCorta's and others off shore FOREX Trading activities and the alleged statements they made or omitted to make to induce individuals from around the United States and other foreign countries to either invest or lend money for FOREX Trading and other investment opportunities. Doc. 39.

4. Mr. DaCorta's FOREX Trading activities involved his company, Oasis International Group, Ltd, acting as a broker dealer on a foreign FOREX trading platform through ATC Brookers. The foreign nature of Mr. DaCorta's broker dealer FOREX trading activities has added layers of complexity to the discovery process.

5. The discovery produced so far by the Government is exceedingly large and makes up the largest discovery stored by the Federal Defender's Office's computer servers in the history of the office. To review and manage the discovery there are three paralegals, two investigators, and two Assistant Federal Defender's assigned to Mr. DaCorta's case with other paralegals assisting in the

review process.¹

5. A significant portion of the discovery produced by the Government include thirty-nine (39) devices/computer hard drives seized from Mr. DaCorta and other principles during multiple searches conducted on April 18, 2019.

6. None of these electronic and data storage devices where processed by the Government but where provided in discovery. These devices contain hundreds of thousands of email communications between Mr. DaCorta, his alleged conspirators, and the hundreds of individuals who invested or loaned money to Mr. DaCorta's businesses, and hundreds of thousands of relevant business records resulting in a combined total data of 25TB.

7. Mr. DaCorta's defense team has been working diligently to review the massive amounts of discovery, to conduct defense investigation which has involved the interviewing of numerous potential defense witness throughout the United States, and retaining and consulting with four experts with expertise related to FOREX trading, Federal tax laws, forensic accounting, and computer forensics.

¹ There are three Assistant United States Attorneys and agents from both the IRS and the FBI pursuing the prosecution against Mr. DaCorta.

8. While Mr. DaCorta's defense team is still reviewing the discovery produced by the Government and still conducting potential defense witness interviews, more critical discovery has yet to be produced by the Government.

9. Specifically, the Government has alleged as part of the conspiracy, that "the conspirators would and did develop and administer a 'back office' operation- that is, a secure website that falsely and fraudulently depicted victim-investors account balances and earning- in order to convince victim-investors that their investments were safe and their investments were performing." Doc. 39. The Government while working diligently to provide the defense with a clone of the "back office" operations of Mr. DaCorta's business and trading activities, these items have yet to be produced to the defense. Much of the delay is related to the foreign nature of this evidence and the computer complexity involved.

10. While the defense is confident the Government is working diligently on this discovery production, to date it is unknown when these items will be produced. Once produced it is anticipated it will take several months for defense counsel and defense experts to review the produced items and to formulate a defense strategy in response to the produced items.

11. Besides the discovery yet to be reviewed, the defense investigation which is ongoing, and the significant discovery yet to be produced, Mr. DaCorta's defense team has recently learned that its retained Federal tax law

expert has developed a significant health issue which has caused him to become unable to continue to assist and is likely to be unavailable for an October 2021 trial.²

11. For the above-stated reasons, Mr. DaCorta respectfully requests that his case be continued from the October 2021 trial term and placed on the February 2022 trial term, which will hopefully provide sufficient time for the Government to produce all of the discovery, for the defense to complete its review of the discovery and defense investigation, and for the defense to retain and get up to speed a new federal tax law expert.

12. Mr. DaCorta and his defense team are eager to get Mr. Dacora's case to trial but given the above stated matters it is unrealistic to believe that the defense can be effectively ready for trial in October of 2021 and additional time to properly prepare for trial is needed.

13. Undersigned counsel has communicated with Assistant United States Attorney Rachelle DesVaux Bedke, who represents the Government, and she has advised the Government has no objection to the relief requested.

² Counsel for Mr. DaCorta is exploring the retaining a replacement Federal tax law expert who will require significant time to get up to speed on Mr. DaCorta's case and to review the tax documents produced in discovery.

MEMORANDUM OF LAW

Local Rule 3.09 provides that a continuance may be allowed by order of the Court for good cause shown. Good cause has been shown for granting the requested continuance. Additionally, 18 U.S.C. §3161(h)(8) provides that any period of delay resulting from a continuance at the request of the defendant shall be excluded from the speedy trial calculations if the Judge finds that the ends of justice outweigh the best interests of the public and the defendant in a speedy trial. The ends of justice would warrant a continuance.

WHEREFORE, good cause having been shown, the Defendant, MICHAEL J. DACORTA, respectfully moves for a continuance of the trial for the above-stated reasons and requests the case be re-set on the February 2021 Trial Term.

DATED this 26th day of July 2021.

Respectfully submitted,

A. FITZGERALD HALL, Esq.
FEDERAL DEFENDER

/s/ Adam B. Allen

Adam B. Allen, Esq.
Florida Bar No.0998184
Assistant Federal Defender
400 North Tampa Street
Suite 2700
Tampa, Florida 33602
Telephone: (813) 228-2715
Facsimile: (813) 228-2562
Email: Adam_Allen@fd.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July 2021, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send a notice of the electronic filing to:

AUSA Rachelle DesVaux Bedke

/s/ Adam B. Allen

Adam B. Allen
Assistant Federal Defender