

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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

UNITED STATES OF AMERICA

vs.

JOSEPH ANILE, II

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**RESPONSE TO GOVERNMENT’S MOTION FOR REDUCTION IN SENTENCE  
PURSUANT TO FED. R. CRIM. P. 35(b)(2)**

COMES NOW, the Defendant, JOSEPH ANILE, II, by and through his undersigned counsel and pursuant to Fed. R. Crim. P. 35(b)(2) and Court Order dated June 10, 2022, and hereby responds to the government’s Motion for Reduction in Sentence (Motion) as follows:

1. That the Defendant, Mr. Joseph Anile, II, of course has no objection with the government’s Motion and strongly concurs with the premises of the Motion, to wit, a downward departure is warranted predicated on Mr. Anile’s extensive and substantial assistance to the government in its criminal case against Michael J. DaCorta, as codified in *United States v. Michael J. DaCorta* (Case #: 8:19-cr-605-WFJ-CPT).
2. That in response and as supplement to the government’s averments in its Motion, it is further asserted that Mr. Anile also provided great assistance to Burton W. Wiand, Esq., the acting Receiver for the victims of the criminal conspiracy as codified in *Commodity Futures Trading Commission (CFTC) v. Oasis International Group, Ltd., et al.* (Case # 8:19-cv-866-VMC-SPF).
3. That prior to Mr. Anile’s sentencing hearing on November 18, 2020, Mr. Wiand submitted correspondence to this Honorable Court stating in relevant part the following:  
“...Subsequent to being appointed Receiver, I have had repeated contacts with Joseph S. Anile. The purpose of these contacts has been to gain information to assist in our efforts to recover assets and to pursue claims against other entities and individuals who were scheme participants, aiders and abettors, or who may have the liability to the receivership. Mr. Anile, from the inception of my activities as a Receiver, has made himself available to me and lawyers representing me. He has provided me with both documentary and oral evidence on an on-going basis. He has been available on a regular

basis to confer with me and my attorneys and the information that he has provided has been important to the cases that we are pursuing. During the course of his assistance, he has been open and, in my estimation, forthright with respect to the information he has provided. He has refused no query. Mr. Anile's continued cooperation will be of significant assistance as we proceed with our claims and litigation. To date, Mr. Anile has provided substantial assistance to me in my efforts to gather assets for the victims of the Oasis International Group fraud. He has not been provided with and(*sic*) consideration and has ask for none other than I would accurately report to the Court his cooperation and assistance...".

(See Exhibit A- Correspondence dated November 3, 2020, from Mr. Burton W. Wiand, Esq. to the Court in its entirety).

4. Thus, Mr. Anile not only provided substantial assistance to the government as documented in the government's Motion, but Mr. Anile also provided substantial assistance to the Receiver in the above-referenced CFTC case, whose primary task is/was to recoup funds for the victims of the criminal scheme.
5. That it is respectfully submitted that Mr. Anile's substantial assistance to the Receiver in the above-referenced CFTC case, which consequently bore and continues to bear a direct benefit to the victims of the criminal scheme, was not fully expounded upon or factored in the government's Motion; a factor which warrants judicial consideration and further reduction.
6. Further, Mr. Anile's health condition is currently in a highly precarious state; to the extent that he has been wheelchair bound for several months and suffering from a plethora of major health issues. Indeed, the severity of Mr. Anile's health issues caused his BOP housing designation to be FMC Rochester in Minnesota, which is a federal facility for inmates with specialized and/or long-term medical issues.
7. Lastly, at the conclusion of Mr. Anile's sentencing hearing of November 18, 2020, he was ordered by this Honorable Court to home confinement pending BOP turn-in. Accordingly, Mr. Anile's liberty has already been greatly curtailed over the past 19 months. This period of home-confinement precluded Mr. Anile's ability to attend his daughter's wedding and children's graduation ceremonies.
8. That prior to Mr. Anile's arrest, he had no prior criminal history whatsoever and the conduct which caused his arrest appeared to be an aberration in his life; an aberration that he has worked diligently to make amends for over the past 3 years to both the government and the victims.

9. That in retrospect of the above-referenced factors, to wit, Mr. Anile's assistance and agreed continued assistance to the Receiver in *CFTC v. Oasis Int'l., Ltd., et al.*, Mr. Anile's severe health issues, and his 19 months of home confinement, it is respectfully submitted that further reduction is warranted.

WHEREFORE in light of the foregoing, it is respectfully requested that this Honorable Court downward depart an additional 4 levels, placing Mr. Anile in a guideline range offense level range of 21 (37-46 months).

CERTIFICATE OF SERVICE

I certify that on June 17, 2022, I electronically filed the foregoing with the Clerk of Court by using CM/ECF system which will send a notice filing to all counsel of record.

Rachelle DesVaux Bedke  
Gerard Marrone, Esq.

/s/ Michael Gonzalez

Michael Gonzalez, Esq.

Attorney for Defendant

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**EXHIBIT**

A

*Law Office*  
*of*  
*Burton W. Wiand*

November 3, 2020

**Via U.S. Mail and E-Mail**

The Honorable Mary Scriven  
United States District Court, Middle District of Florida  
801 North Florida Avenue  
Tampa, Florida 33602

*Re: Cooperation of Joseph S. Anile II*

Dear Judge Scriven:

I am the Receiver who has been appointed by the United States District Court for the Middle District of Florida in the enforcement action brought by the *Commodities Futures Trading Commission v. Oasis International Group, Limited et al.*, U.S. District Court; Middle District of Florida; Case No. 8:19-cv-886-T-33SPF. The CFTC alleges a Ponzi scheme that visited millions of dollars of losses on innocent investors.

As the Receiver, my job has been to investigate the activities of Oasis International Group and its affiliated companies and individuals and to secure the assets of that company. My task is also to recover whatever funds or assets might be available for the Receivership through seizure, turnover or litigation through the courts. This activity involves massive examination of documents and records in order to reach conclusions with respect to the activities of the entities and individuals who were involved in the Oasis International Group scheme. I have undertaken this task with the assistance of lawyers of Wiand Guerra King and have been successful in recovering significant assets. We are presently in the middle of the claims process in preparation for distributing assets to victims. I am also involved in ongoing and planned litigation with certain entities and individuals.

Subsequent to being appointed Receiver, I have had repeated contacts with Joseph S. Anile. The purpose of these contacts has been to gain information to assist in our efforts to recover assets and to pursue claims against other entities and individuals who were scheme participants, aiders and abettors or who may have liability to the Receivership. Mr. Anile, from the inception of my activities as a Receiver, has made himself available to me and lawyers representing me. He has provided me with both documentary and oral evidence on an on-going basis. He has been available on a regular basis to confer with me and my attorneys and the information that he has provided has been important to the cases that we are pursuing. During the course of his assistance he has been open and, in my estimation, forthright with respect to the information he has provided. He has refused no query, and has been proactive and eager to respond with information that I have

The Honorable Mary Scriven  
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requested. Mr. Anile's continued cooperation will be of significant assistance as we proceed with our claims and litigation.

To date, Mr. Anile has provided substantial assistance to me in my efforts to gather assets for the victims of the Oasis International Group fraud. He has not been provided with and consideration and has ask for none other than I would accurately report to the Court his cooperation and assistance.

Sincerely yours,



Burton W. Wiand

BWW/djb