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Reply to: Fort Myers, FL

May 5, 2022

Mark Eiglarsh
Law Offices of Mark Eiglarsh
3107 Stirling Road, Suite 207
Fort Lauderdale, FL 33312

Re: *United States v. Daniel Joseph Tisone*
Case No. 2:22-cr-39-SPC-NPM

Dear Mr. Eiglarsh:

In connection with the above-captioned case and pursuant to Fed. R. Crim. P. 16(a) as well as the Court's Criminal Scheduling Orders, discovery in the above-captioned case is presently available for copying and inspection. A usb drive, containing a courtesy copy of the discovery, will be sent to your office via FedEx tomorrow, May 6, 2022.

In connection with the above captioned cases, please be advised of the following:

1. With respect to the substance of any oral statement which the government intends to offer in evidence at trial made by the defendant before or after arrest in response to interrogation by any person then known to the defendant to be a government agent, please be advised that the defendant **did** make such oral statements to government agents. The defendant provided a post-*Miranda* statement to the FBI on March 31, 2022, which was video and audio recorded. A copy of this recording is available for copying and inspection. Additionally, a courtesy copy will also be furnished on the usb drive referenced above.

2. With respect to any relevant written or recorded statements made by the defendant, please be advised that the United States is in possession of recorded statements made by the defendant. The government is in possession of a video and audio post-*Miranda* statement made by the defendant to the FBI on March 31, 2022. The statement is available for copying and inspection, and a courtesy copy of the statement will be provided.

3. The prior criminal record of the defendant has been made available as part of discovery.

4. As to Rule 16 documents and tangible objects, the government is providing the documents which will be used in their case-in-chief in their electronic discovery production. Please feel free to contact me or the case agent, **FBI Special Agent Grace Bruno**, if you believe electronic production of such documents is insufficient.

5. There **are** reports of examinations and tests in connection with this case. The defendant's cellular phone was forensically examined and a Cellebrite report was created that contains a detailed summary of the digital contents of the phone. The report is available for copying and inspection.

6. At this time, the government does intend to call an expert witness. The government intends to call ATF Special Agent and Firearms Expert Noah Williams, who would opine that the ammunition the defendant is alleged to have possessed was manufactured outside of the State of Florida.

7. Electronic surveillance has not been conducted with respect to this investigation.

8. At this time, the government does not intend to introduce evidence pursuant to Fed. R. Evid. 404(b) in its case-in-chief in this matter.

9. Confidential informants did not provide information during the course of the investigation.

10. There is no known conflict of interest in the representation of the defendant by attorneys in this case. Should such a conflict become known to the government, counsel for the defendant will be alerted

11. The defendant was not identified by means of photo identification.

12. Evidence was seized as a result of search warrants.

13. We are aware of continuing discovery obligations pursuant to Fed. R. Crim. P. 16(c) and will make you aware of such materials as soon as possible if such materials come to our attention.

13. Pursuant to Fed. R. Crim. P. 16(b), the United States requests the following:

a. Books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody, or control of the defendant and which the defendant intends to introduce as evidence in chief at the trial. Fed. R. Crim. P. 16(b)(1)(A).

b. Any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to that witness' testimony. Fed. R. Crim. P. 16(b)(1)(B).

c. A written summary of testimony that the defendant intends to use under Rule 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, describing the witnesses' opinions, the bases and reasons for those opinions and the witnesses' qualifications. Fed. R. Crim. P. 16 (b)(1)(C).

If you have any questions concerning any of the foregoing, please do not hesitate to contact the undersigned.

Sincerely,

ROGER B. HANDBERG
United States Attorney

By: 
Trenton J. Reichling
Assistant United States Attorney