

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

UNITED STATES OF AMERICA

CASE NO.: 2:22-CR-39-SPC-NPM

vs.

DANIEL JOSEPH TISONE

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**UNOPPOSED MOTION TO CONTINUE TRIAL DATE**

COMES NOW the defendant, Daniel Joseph Tisone, by and through undersigned counsel, pursuant to the Federal Rules of Criminal Procedure and files this, his Unopposed Motion to Continue Trial Date. In support thereof, the defendant alleges the following:

1. This matter is currently set for trial on August 1, 2022.
2. The defendant's change of plea is currently set for July 29, 2022.
3. While this case remains in a plea posture, undersigned will be seeking to alter the change of plea date and also, is hereby requesting that the trial date be continued.
4. Mr. Tisone went to the ENT last week to follow up on a CT scan that he had for his sinuses. He's had severe sleeping and breathing issues for approximately two years as a result of a previously failed deviated septum surgery. The doctor ordered a Sinus Surgery, requiring general anesthesia, to remove problematic bone and tissue.
5. On the afternoon of July 21, 2022, Mr. Tisone's doctor informed him that his insurance approved the surgery but the only time slot available for the procedure was on July 29<sup>th</sup> at 11 am at the Surgery Center of Naples. The procedure date directly conflicts with the change of plea date.
6. After the procedure, Mr. Tisone will be on bedrest for a week and expects to have approximately three weeks of post-surgery symptoms like bruising and bleeding.
7. Mr. Tisone doesn't want to miss the opportunity to have his surgery on the 29<sup>th</sup>. To finally secure this date, he's had to endure numerous doctor visits, tests, scans, etc. over a two year period, finally resulting in insurance agreeing to cover it.
8. If the matter was reset for trial in September, it would afford Mr. Tisone sufficient time to undergo and recover from the procedure and then allow him to set this for a change of plea before the new September trial date.

9. Undersigned respectfully requests that this motion for a continuance of the trial date be granted. Undersigned assures the Court that the request is not being made to unduly delay the proceedings. Mr. Tisone has every intention of changing his plea on the new change of plea date that undersigned hopes to secure shortly.

10. AUSA Trenton Reichling has no objection to the Court granting this motion.

**WHEREFORE**, based upon the above and foregoing, the Defendant respectfully requests this Court to grant the instant motion.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was electronically filed this 22<sup>nd</sup> day of July, 2022.

Respectfully submitted,  
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BY: /S/ **MARK EIGLARSH**

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