

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
_____ /

MOTION TO CONTINUE SENTENCING

The defendant, Daniel Joseph Tisone, by and through undersigned counsel, files this Motion to Continue Sentencing and avers the following:

1. This case is currently set for sentencing on January 30, 2023 at 9:30 am.
2. At a Calendar Call held in the Southern District on January 10, 2023, Judge K. Michael Moore set the Medicare Fraud trial of *United States v. Waxman et al.*, Case No. 0:21-cr-60253-KMM to commence with jury selection on Tuesday, January 17, 2023 at 9:00 am.
3. The Government has indicated that the trial is expected to last three to four weeks.
4. Undersigned represents co-defendant Dr. Dean Zusmer.
5. In light of the trial and the anticipated length, undersigned now has a conflict with the January 30th sentencing date.
6. Undersigned is respectfully requesting a continuance and a sentencing reset date for some time after February 14, 2023.
7. Undersigned is requesting this continuance in good faith and not for the purpose of delay.
8. AUSA Trenton Reichling has no objection to the continuance.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via CM/ECF to: United States Attorney's Office, AUSA Trenton Reichling and Probation Officer Nick Stevens, this 10th day of January, 2023.

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

MARK EIGLARSH

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