

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

U.S. Courthouse & Federal Building
Office of the Clerk
2110 First Street, Room 2-194
Fort Myers, FL 33901
(239) 461-2000
www.flmd.uscourts.gov

Elizabeth M. Warren
Clerk of Court

Leslie M. Friedmann
Fort Myers Division Manager

DATE: March 6, 2023

TO: Clerk, U.S. Court of Appeals for the Eleventh Circuit

UNITED STATES OF AMERICA

VS.

CASE NO: 2:22-cr-39-SPC-NPM

DANIEL JOSEPH TISONE

U.S.C.A. Case No.:

- Honorable Sheri Polster Chappell, United States District Judge appealed from.
- Appeal filing fee was paid.
- Certified copy of Notice of Appeal, docket entries, judgment and/or Order appealed from. Opinion was not entered orally.

ELIZABETH M. WARREN, CLERK

By: s/jlk, Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

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

DANIEL JOSEPH TISONE

NOTICE OF APPEAL

Notice is hereby given that Defendant Daniel Joseph Tisone appeals to the United States Court of Appeals for the Eleventh Circuit the final judgment and sentence that was entered on February 23, 2023. (Doc. 93)

Respectfully submitted on March 6, 2023

s/ J. Jervis Wise

J. JERVIS WISE, ESQ.

BRUNVAND WISE, P.A.

615 Turner Street

Clearwater, FL 33756

Telephone: 727-446-7505

Facsimile: 727-446-8147

E-Mail: jervis@acquitter.com

Florida Bar # 0019181

Counsel for Appellant Daniel Tisone

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 6, 2023, I electronically filed the foregoing with Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ J. Jervis Wise

J. JERVIS WISE, ESQ.

BRUNVAND WISE, P.A.

615 Turner Street

Clearwater, FL 33756

Telephone: 727-446-7505

Facsimile: 727-446-8147

E-Mail: jervis@acquitter.com

Florida Bar # 0019181

Counsel for Appellant Daniel Tisone

APPEAL, BOND, CLOSED, SL DOC

**U.S. District Court
Middle District of Florida (Ft. Myers)
CRIMINAL DOCKET FOR CASE #: 2:22-cr-00039-SPC-NPM All Defendants**

Case title: USA v. Tisone

Date Filed: 04/20/2022

Magistrate judge case number: 2:22-mj-01043-DNF

Date Terminated: 02/23/2023

Assigned to: Judge Sheri Polster Chappell
Referred to: Magistrate Judge Nicholas P.
Mizell

Defendant (1)

Daniel Joseph Tisone
TERMINATED: 02/23/2023

represented by **Mark R. Eiglarsh**
Law Offices of Mark Eiglarsh
3107 Stirling Road
Suite 207
Fort Lauderdale, FL 33312
305-674-0003
Email: Mark@EiglarshLaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1343.F FRAUD BY WIRE, RADIO, OR
TELEVISION
(2)

18:1344A.F BANK FRAUD
(8)

Disposition

Imprisonment:87-MONTHS, as to Counts
2, 8, 14 and 18, all such terms shall run
concurrently to each other; Supervised
Release: 36-MONTHS, as to Counts 2, 8,
14 and 18, all such terms shall run
concurrently to each other; Restitution;
Forfeiture; Special Assessments: \$400;
Defendant to self-surrender on Wednesday,
April 19, 2023 by 2pm, if defendant
designated to facility sooner than that date
must report as directed by BOP

Imprisonment:87-MONTHS, as to Counts
2, 8, 14 and 18, all such terms shall run
concurrently to each other; Supervised
Release: 36-MONTHS, as to Counts 2, 8,
14 and 18, all such terms shall run
concurrently to each other; Restitution;
Forfeiture; Special Assessments: \$400;
Defendant to self-surrender on Wednesday,

18:1957-5800.F ENGAGING IN
MONETARY TRANSACTIONS
(14)

18:922G.F UNLAWFUL TRANSPORT OF
FIREARMS, ETC.
(18)

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1343.F FRAUD BY WIRE, RADIO, OR
TELEVISION
(1)

18:1343.F FRAUD BY WIRE, RADIO, OR
TELEVISION
(3-4)

18:1344A.F BANK FRAUD
(5-7)

18:1344A.F BANK FRAUD
(9-10)

18:1028A.F FRAUD WITH
IDENTIFICATION DOCUMENTS
(11-12)

18:1957-5800.F ENGAGING IN
MONETARY TRANSACTIONS
(13)

18:1957-5800.F ENGAGING IN
MONETARY TRANSACTIONS
(15-17)

April 19, 2023 by 2pm, if defendant
designated to facility sooner than that date
must report as directed by BOP

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Forfeiture; Special Assessments: \$400;
Defendant to self-surrender on Wednesday,
April 19, 2023 by 2pm, if defendant
designated to facility sooner than that date
must report as directed by BOP

Disposition

Disposed.

Disposed.

Disposed.

Disposed.

Disposed.

Disposed.

Disposed.

Highest Offense Level (Terminated)

Felony

Complaints

18:1343.F FRAUD BY WIRE, RADIO, OR
TELEVISION, 18:1344A.F BANK
FRAUD, 18:1957-4601.F BANK FRAUD

Disposition

Claimant

Wilmington Savings Fund Society, FSB
as Trustee

represented by **Benjamin Bruce Brown**
Quarles & Brady, LLP
Suite 300
1395 Panther Ln
Naples, FL 34109-7874
239/659-5026
Fax: 239/213-5426
Email: benjamin.brown@quarles.com
ATTORNEY TO BE NOTICED
Designation: Retained

Emily A. Plakon
Quarles & Brady LLP
101 E. Kennedy Blvd.
Suite 3400
Tampa, FL 33602
813-384-6710
Email: emily.plakon@quarles.com
ATTORNEY TO BE NOTICED
Designation: Retained

Joseph T. Kohn
Quarles & Brady, LLP*
Suite 300
1395 Panther Ln
Naples, FL 34109-7874
239/262-5959
Fax: 239/213-5599
Email: joseph.kohn@quarles.com
ATTORNEY TO BE NOTICED
Designation: Retained

Claimant

**Mortgage Electric Registration Systems,
Inc.**

represented by **Benjamin Bruce Brown**
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained

Emily A. Plakon

(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained

Joseph T. Kohn
(See above for address)
ATTORNEY TO BE NOTICED
Designation: Retained

Claimant

Bank of Clark County

represented by **Enjolique D. Aytch Lett**
Greenberg Traurig, P.A.
333 S.E. 2nd Avenue
Suite 4400
Miami, FL 33131
305-579-0640
Fax: 305-579-0717
Email: Lette@gtlaw.com
ATTORNEY TO BE NOTICED

Claimant

Collier County Tax Collector

represented by **Luis Ernesto Rivera , II**
GrayRobinson, P.A.
1404 Dean Street
Suite 300
Fort Myers, FL 33901
239/254-8460
Fax: 239/598-3164
Email: luis.rivera@gray-robinson.com
ATTORNEY TO BE NOTICED
Designation: Retained

Plaintiff

USA

represented by **Julie A. Simonsen**
United States Attorney's Office
400 N. Tampa Street., Suite 3200
Tampa, FL 33602
813-301-3067
Email: julie.simonsen@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Retained

Suzanne C. Nebesky
US Attorney's Office - FLM
Suite 3200
400 N Tampa St
Tampa, FL 33602-4798
813/274-6000

Email: suzanne.nebesky@usdoj.gov*ATTORNEY TO BE NOTICED**Designation: Retained***Trenton Reichling**

US Attorney's Office - FLM

Room 3-137

2110 First Street

Ft Myers, FL 33901

239/461-2221

Email: Trenton.Reichling@usdoj.gov*ATTORNEY TO BE NOTICED**Designation: Retained*

Date Filed	#	Docket Text
03/06/2023	95	NOTICE OF APPEAL by Daniel Joseph Tisone re 93 Judgment. Filing fee paid \$ 505, receipt number AFLMDC-20575854. (Wise, J.) (Entered: 03/06/2023)
02/23/2023	93	JUDGMENT as to Daniel Joseph Tisone, Counts 1, 11-12, 13, 15-17, 3-4, 5-7, and 9-10, Disposed. Counts 2, 8, 14, and 18 - Imprisonment:87-MONTHS, as to Counts 2, 8, 14 and 18, all such terms shall run concurrently to each other; Supervised Release: 36-MONTHS, as to Counts 2, 8, 14 and 18, all such terms shall run concurrently to each other; Restitution; Forfeiture; Special Assessments: \$400; Defendant to self-surrender on Wednesday, April 19, 2023 by 2pm, if defendant designated to facility sooner than that date must report as directed by BOP. Signed by Judge Sheri Polster Chappell on 2/23/2023. (AEH) (Entered: 02/23/2023)
02/23/2023	92	TRANSCRIPT of Sentencing Hearing as to Daniel Joseph Tisone held on February 21, 2023 before Judge Sheri Polster Chappell. Court Reporter/Transcriber: Stacey Raikes. Email address: Stacey_Raikes@flmd.uscourts.gov . Telephone number: 239-461-2064. NOTICE TO THE PARTIES - The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such notice is filed, the transcript may be made remotely available to the public without redaction after ninety (90) calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 3/16/2023. Redacted Transcript Deadline set for 3/27/2023. Release of Transcript Restriction set for 5/24/2023. (SER) (Entered: 02/23/2023)
02/21/2023	91	Minute Entry for In Person proceedings held before Judge Sheri Polster Chappell: SENTENCING held on 2/21/2023 for Daniel Joseph Tisone, Counts 1, 11-12, 13, 15-17, 3-4, 5-7, 9-10, Disposed on motion of United States, as per plea agreement; Counts 2, 8, 14, and 18 - Imprisonment:87-MONTHS, as to Counts 2, 8, 14 and 18, all such terms shall run concurrently to each other; Supervised Release: 36-MONTHS, as to Counts 2, 8, 14 and 18, all such terms shall run concurrently to each other; Restitution; Forfeiture; Special Assessments: \$400; Defendant to self-surrender on Wednesday, April 19, 2023 by 2pm, if defendant designated to facility sooner than that date must report as directed by BOP. Court Reporter: Stacey Raikes (AEH) (Entered: 02/21/2023)

02/20/2023	<u>90</u>	MOTION for downward departure by Daniel Joseph Tisone. (Eiglarsh, Mark) (Entered: 02/20/2023)
02/19/2023	<u>89</u>	AFFIDAVIT of Andrew J. DeSilva by Daniel Joseph Tisone (Eiglarsh, Mark) Modified text on 2/22/2023 (JK). (Entered: 02/19/2023)
02/16/2023	<u>88</u>	MOTION for downward departure by Daniel Joseph Tisone. (Eiglarsh, Mark) (Entered: 02/16/2023)
02/16/2023	 <u>87</u>	Unopposed MOTION to Strike <u>80</u> MOTION for Miscellaneous Relief, specifically Petition for Remission by USA as to Daniel Joseph Tisone. (Nebesky, Suzanne) (Entered: 02/16/2023)
02/15/2023	<u>86</u>	MOTION to recognize substantial assistance pursuant to 5k1.1 by USA as to Daniel Joseph Tisone. (Reichling, Trenton) (Entered: 02/15/2023)
02/14/2023	<u>83</u>	NOTICE <i>to the Court Regarding the Collier County Tax Collector</i> by USA as to Daniel Joseph Tisone re <u>81</u> MOTION for Miscellaneous Relief, specifically Petition Asserting Verified Interest in Property to Be Forfeited. (Nebesky, Suzanne) (Entered: 02/14/2023)
02/14/2023	<u>82</u>	NOTICE <i>to the Court Regarding Petition of MERS</i> by USA as to Daniel Joseph Tisone re <u>79</u> MOTION for Miscellaneous Relief, specifically Adjudication of Validity in Interest of Property. (Nebesky, Suzanne) (Entered: 02/14/2023)
02/14/2023	 <u>80</u>	MOTION for Miscellaneous Relief, specifically Petition for Remission by Bank of Clark County as to Daniel Joseph Tisone. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Aytech Lett, Enjolique) (Entered: 02/14/2023)
02/10/2023	 <u>81</u>	MOTION for Miscellaneous Relief, specifically Petition Asserting Verified Interest in Property to Be Forfeited by Collier County Tax Collector as to Daniel Joseph Tisone. (JK) (Entered: 02/14/2023)
02/07/2023	 <u>79</u>	MOTION for Miscellaneous Relief, specifically Adjudication of Validity in Interest of Property by Wilmington Savings Fund Society, FSB, Mortgage Electric Registration Systems, Inc. as to Daniel Joseph Tisone. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(JK) (Entered: 02/09/2023)
01/30/2023	<u>78</u>	PROOF OF PUBLICATION as to Daniel Joseph Tisone newspaper: Official Government Internet Site (www.forfeiture.gov) dates of publication: 30 consecutive days from December 31, 2022 through January 29, 2023. (Nebesky, Suzanne) (Entered: 01/30/2023)
01/12/2023	77	NOTICE OF RESCHEDULING SENTENCING HEARING: The Sentencing hearing as to Daniel Joseph Tisone previously scheduled for 1/30/2023 is rescheduled. The new hearing date and time are as follows: Sentencing is now set for 2/21/2023 at 10:00AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 01/12/2023)
01/12/2023	76	ENDORSED ORDER granting Defendant Daniel Joseph Tisone's Unopposed Motion to Continue Sentencing (Doc. <u>74</u>). The Clerk SHALL reschedule the hearing by separate notice. Signed by Judge Sheri Polster Chappell on 1/12/2023. (AEH) (Entered: 01/12/2023)
01/12/2023	75	ENDORSED ORDER denying as moot Defendant Daniel Joseph Tisone's Motion to Continue Trial (Doc. <u>73</u>). Case not set for trial. Signed by Judge Sheri Polster Chappell on 1/12/2023. (AEH) (Entered: 01/12/2023)

01/11/2023	74	Unopposed MOTION to Continue sentence by Daniel Joseph Tisone. (Eiglarsh, Mark) (Entered: 01/11/2023)
01/11/2023	73	MOTION to Continue trial by Daniel Joseph Tisone. (Eiglarsh, Mark) (Entered: 01/11/2023)
01/10/2023	72	ENDORSED ORDER STRIKING (Doc. 70) filed by Defendant Daniel Joseph Tisone. Parties are to raise any objections to the Preliminary Presentence Report directly to United States Probation on the form provided at page 43 of the Preliminary Presentence Report filed at (Doc. 67). If the parties are unable to resolve the objections prior to the Final Presentence Report, then counsel must file a notice regarding the unresolved objections. Signed by Judge Sheri Polster Chappell on 1/10/2023. (AEH) (Entered: 01/10/2023)
01/09/2023	71	OBJECTION to 56 Report and Recommendations Report and Recommendations Concerning Plea of Guilty, by Daniel Joseph Tisone (Eiglarsh, Mark) (Entered: 01/09/2023)
01/09/2023	70	STRICKEN per 72 Order -- MOTION for downward departure From Criminal History Category III by Daniel Joseph Tisone. (Eiglarsh, Mark) Modified text on 1/10/2023 (JK). Modified to Stricken on 1/10/2023 (JK). (Entered: 01/09/2023)
12/30/2022	69	ORDER granting the United States' Motion for Order of Forfeiture and Preliminary Order of Forfeiture for Direct Assets as to Daniel Joseph Tisone (Doc. 68). Signed by Judge Sheri Polster Chappell on 12/30/2022. (AEH) (Entered: 12/30/2022)
12/30/2022	68	MOTION for Forfeiture of an Order of Forfeiture & Preliminary Order for Direct Assets by USA as to Daniel Joseph Tisone. (Nebesky, Suzanne) (Entered: 12/30/2022)
10/31/2022	65	NOTICE OF RESCHEDULING SENTENCING HEARING: The Sentencing hearing as to Daniel Joseph Tisone previously scheduled for 12/5/2022 is rescheduled. The new hearing date and time are as follows: Sentencing is now set for 1/30/2023 at 9:30AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. (AEH) (Entered: 10/31/2022)
10/31/2022	64	ORDERED: Defendant Daniel Tisone's Motion to Continue Sentencing Date (Doc. 62) is GRANTED in part and DENIED in part. Defendant's Motion is granted to the extent that sentencing hearing is now set for January 30, 2022, at 9:30 a.m. The Clerk is DIRECTED to issue a notice of hearing under separate cover. Defendant must file - under seal - on or before November 13, 2022, the following proof and information: proof the mortgage on 550 Starboard Drive, Naples, Florida 34103 is current; proof the mortgage is current on 1001 10th Avenue South, #101, Naples, Florida 34102; proof of payment of all insurance premiums for both properties; proof of payment of proof of payment of all association fees; full copies of all policies, including flood policies both subject properties; notification and proof of any compensation provided by any insurers, FEMA, or government agencies with respect to any damages or loss to the properties. Signed by Judge Sheri Polster Chappell on 10/31/2022. (AEH) (Entered: 10/31/2022)
10/25/2022	63	RESPONSE to Motion re 62 MOTION to Continue sentencing date by USA as to Daniel Joseph Tisone (Reichling, Trenton) (Entered: 10/25/2022)
10/25/2022	62	MOTION to Continue sentencing date by Daniel Joseph Tisone. (Eiglarsh, Mark) (Entered: 10/25/2022)

08/29/2022	61	ENDORSED ORDER granting Defendant Daniel Joseph Tisone's Unopposed Motion for Additional Time Before Sentencing (Doc. 58). The Sentencing date has been extended out 101 days to December 5, 2022 at 10:00AM. Signed by Judge Sheri Polster Chappell on 8/29/2022. (AEH) (Entered: 08/29/2022)
08/29/2022	60	SENTENCING SCHEDULING ORDER as to Daniel Joseph Tisone: Sentencing is set for 12/5/2022 at 10:00AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell. Signed by Judge Sheri Polster Chappell on 8/29/2022. (AEH) (Entered: 08/29/2022)
08/29/2022	59	ACCEPTANCE OF PLEA of guilty and adjudication of guilt re: counts Two, Eight, Fourteen, and Eighteen of the Indictment as to Daniel Joseph Tisone. Signed by Judge Sheri Polster Chappell on 8/29/2022. (Sentencing is set for 12/5/2022 at 10:00AM in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell.) (AEH) (Entered: 08/29/2022)
08/29/2022	58	Unopposed MOTION for Additional Time Before Sentencing by Daniel Joseph Tisone. (Eiglarsh, Mark) Motions referred to Magistrate Judge Nicholas P. Mizell. Modified on 8/30/2022 to edit docket text to reflect pleading title (SEH). (Entered: 08/29/2022)
08/26/2022	56	REPORT AND RECOMMENDATION as to Daniel Joseph Tisone, REPORT AND RECOMMENDATIONS Concerning Plea of Guilty re: count(s) Two, Eight, Fourteen and Eighteen of the Indictment as to Daniel Joseph Tisone. Signed by Magistrate Judge Nicholas P. Mizell on 8/26/2022. (WRW) (Entered: 08/26/2022)
08/26/2022	55	Minute Entry for In Person proceedings held before Magistrate Judge Nicholas P. Mizell: Change of Plea Hearing as to Daniel Joseph Tisone held on 8/26/2022. (DIGITAL) (WRW) (Entered: 08/26/2022)
08/26/2022	54	AMENDED PLEA AGREEMENT re: count(s) Two, Eight, Fourteen and Eighteen of the Indictment as to Daniel Joseph Tisone (WRW) (Entered: 08/26/2022)
08/08/2022	53	Minute Entry for Telephonic proceedings held before Magistrate Judge Nicholas P. Mizell: STATUS Conference as to Daniel Joseph Tisone held on 8/8/2022. Court Reporter: Stacey Raikes (AEH) (Entered: 08/09/2022)
08/07/2022	52	NOTICE TO ALL PARTIES REGARDING AUGUST 8TH, 2022 CRIMINAL STATUS CONFERENCE HEARING: The Status Conferences set for 8/8/2022 at 9:30 AM will be conducted via teleconference; the defendant's presence IS NOT REQUIRED. Participants are instructed to follow the call-in instructions to join the teleconference and follow the prompts. DIAL IN INSTRUCTIONS: TELEPHONE NUMBER: 1-239-673-2222, CONFERENCE I.D.: 303 285 473#. Dial in at least 5 minutes before hearing time. Landline preferred - DO NOT USE SPEAKERPHONE FEATURE DURING THE CALL. (AEH) (Entered: 08/07/2022)
07/25/2022	51	NOTICE OF RESCHEDULING HEARING: The Change of Plea Hearing as to Daniel Joseph Tisone previously scheduled for 7/29/2022 is rescheduled to 8/26/2022 at 01:30 PM in Ft. Myers Courtroom 5 D before Magistrate Judge Nicholas P. Mizell. (WRW) (Entered: 07/25/2022)
07/25/2022	50	ORDER granting 49 Unopposed Motion to Continue Trial Date as to Daniel Joseph Tisone. Jury Trial set for September 2022 trial term. Status Conference set for 8/8/2022 at 09:30 AM before Judge Sheri Polster Chappell. Call in instructions to be set by separate notice. Signed by Judge Sheri Polster Chappell on 7/25/2022. (JGG) (Entered: 07/25/2022)

07/22/2022	49	Unopposed MOTION to Continue trial by Daniel Joseph Tisone. (Eiglarsh, Mark) Modified as to docket text on 7/22/2022 (JK). (Entered: 07/22/2022)
07/19/2022	48	WAIVER of OBJECTION TO REPORT AND RECOMMENDATION by USA as to Daniel Joseph Tisone. (Reichling, Trenton) (Entered: 07/19/2022)
07/19/2022	47	PLEA AGREEMENT re: count(s) Two, Eight, Fourteen, and Eighteen of the Indictment as to Daniel Joseph Tisone (Reichling, Trenton) (Entered: 07/19/2022)
07/15/2022	46	REGISTRY MONIES received in the amount of \$153,402; Receipt # FTM015887. (JK) (Entered: 07/19/2022)
07/11/2022	45	Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Daniel Joseph Tisone held on 7/11/2022. Court Reporter: Stacey Raikes (AEH) (Entered: 07/13/2022)
07/11/2022	44	NOTICE of no objection to <i>Report and Recommendation</i> by Daniel Joseph Tisone (Eiglarsh, Mark) (Entered: 07/11/2022)
07/11/2022	43	NOTICE OF HEARING as to Daniel Joseph Tisone: Change of Plea Hearing set for 7/29/2022 at 01:30 PM in Ft. Myers Courtroom 5 C before Magistrate Judge Nicholas P. Mizell. All plea paperwork to be filed 48 hours prior to hearing.(WRW) (Entered: 07/11/2022)
07/08/2022	42	NOTICE TO ALL PARTIES REGARDING JULY 11TH, 2022 CRIMINAL STATUS CONFERENCE HEARING: The Status Conferences set for 7/11/2022 at 9:30 AM before Judge Sheri Polster Chappell will be conducted via teleconference; the defendant's presence IS NOT REQUIRED. Participants are instructed to follow the call-in instructions to join the teleconference and follow the prompts. DIAL IN INSTRUCTIONS: TELEPHONE NUMBER: 1-239-673-2222, CONFERENCE I.D.: 303 285 473#. Dial in at least 5 minutes before hearing time. Landline preferred - DO NOT USE SPEAKERPHONE FEATURE DURING THE CALL. (AEH) (Entered: 07/08/2022)
05/20/2022	41	NOTICE of Filing Stipulation regarding Restitution by USA as to Daniel Joseph Tisone (Attachments: # 1 Exhibit A - Stipulation Regarding Restitution)(Simonsen, Julie) Modified as to docket text on 5/20/2022 (JK). (Entered: 05/20/2022)
05/10/2022	37	ORDER granting 34 unopposed motion for an order to deposit funds and disburse. To best serve the purpose of defendant Daniel Joseph Tisone's anticipated restitution, the CLERK shall accept Tisone's prejudgment payments and shall hold these funds in an interest-bearing account within the court's registry. Signed by Magistrate Judge Nicholas P. Mizell on 5/10/2022. (GSK) (Entered: 05/10/2022)
05/09/2022	40	ORAL ORDER granting D.E. 39 ORAL Motion to Continue Trial Term as to Daniel Joseph Tisone. The Court finds that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendant's in a speedy trial. The Court, therefore, determines that the time from today until the end of the August 2022 trial term shall be "excludable time" pursuant to 18 U.S.C. § 3161(h). Jury Trial is set for the trial term commencing August 1, 2022 in Ft. Myers Courtroom 5D before Judge Sheri Polster Chappell and a Criminal Status Conference is scheduled for July 11th, 2022 at 9:30am before Judge Sheri Polster Chappell and will be conducted via teleconference. Participants shall receive call-in instructions for joining hearing by separate notice. Signed by Judge Sheri Polster Chappell on 5/9/2022. (AEH) (Entered: 05/10/2022)

05/09/2022	39	ORAL MOTION to Continue trial by Daniel Joseph Tisone. (AEH) (Entered: 05/10/2022)
05/09/2022	38	Minute Entry for Telephonic proceedings held before Judge Sheri Polster Chappell: STATUS Conference as to Daniel Joseph Tisone held on 5/9/2022. Court Reporter: Stacey Raikes (AEH) (Entered: 05/10/2022)
05/08/2022	36	NOTICE TO ALL PARTIES REGARDING MAY 9TH, 2022 CRIMINAL STATUS CONFERENCE HEARING: The Status Conferences set for 5/9/2022 at 9:30 AM before Judge Sheri Polster Chappell will be conducted via teleconference; the defendant's presence IS NOT REQUIRED. Participants are instructed to follow the call-in instructions to join the teleconference and follow the prompts. DIAL IN INSTRUCTIONS: TELEPHONE NUMBER: 1-239-673-2222, CONFERENCE I.D.: 739 769 413#. Dial in at least 5 minutes before hearing time. Landline preferred - DO NOT USE SPEAKERPHONE FEATURE DURING THE CALL. (AEH) (Entered: 05/08/2022)
05/05/2022	35	NOTICE of Compliance with Discovery by USA as to Daniel Joseph Tisone (Attachments: # 1 Discovery Letter)(Reichling, Trenton) Modified as to docket text and to remove all caps on 5/5/2022 (JK). (Entered: 05/05/2022)
04/28/2022	34	Unopposed MOTION for Miscellaneous Relief, specifically Unopposed Motion for an Order to Deposit Funds and Disburse by USA as to Daniel Joseph Tisone. (Simonsen, Julie) (Entered: 04/28/2022)
04/22/2022	33	NOTICE OF ATTORNEY APPEARANCE Julie A. Simonsen appearing for USA. (Simonsen, Julie) (Entered: 04/22/2022)
04/21/2022	31	SCHEDULING ORDER as to Daniel Joseph Tisone Status Conference set for 5/9/2022 at 09:30 AM before Judge Sheri Polster Chappell, Jury Trial term 6/1/2022 before Judge Sheri Polster Chappell Signed by Magistrate Judge Nicholas P. Mizell on 4/21/2022. (WRW) (Entered: 04/21/2022)
04/21/2022	30	Minute Entry for In Person proceedings held before Magistrate Judge Nicholas P. Mizell: granting 27 ORAL Motion for Discovery as to Daniel Joseph Tisone (1); granting 28 ORAL Motion for Reciprocal Discovery as to Daniel Joseph Tisone (1); granting 29 JOINT ORAL Motion for entry of scheduling order setting this matter for trial as to Daniel Joseph Tisone (1); ARRAIGNMENT as to Daniel Joseph Tisone (1) Count 1-4, 5-10, 11-12, 13-17, 18, held on 4/21/2022 Defendant(s) pled not guilty. (DIGITAL) (WRW) (Entered: 04/21/2022)
04/21/2022	29	JOINT ORAL MOTION for entry of scheduling order setting this matter for trial by Daniel Joseph Tisone. (WRW) (Entered: 04/21/2022)
04/21/2022	28	ORAL MOTION for Reciprocal Discovery by USA as to Daniel Joseph Tisone. (WRW) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 04/21/2022)
04/21/2022	27	ORAL MOTION for Discovery by Daniel Joseph Tisone. (WRW) Motions referred to Magistrate Judge Nicholas P. Mizell. (Entered: 04/21/2022)
04/21/2022	26	NOTICE OF LIS PENDENS <i>for 550 Starboard Drive, Naples, Florida 34103</i> by USA as to Daniel Joseph Tisone (Nebesky, Suzanne) (Entered: 04/21/2022)
04/21/2022	25	NOTICE OF LIS PENDENS <i>for 1001 10th Avenue South #101, Naples, Florida 34102</i> by USA as to Daniel Joseph Tisone (Nebesky, Suzanne) (Entered: 04/21/2022)
04/21/2022	24	NOTICE OF ATTORNEY APPEARANCE Suzanne C. Nebesky appearing for USA.

		(Nebesky, Suzanne) (Entered: 04/21/2022)
04/21/2022	22	NOTICE OF RESCHEDULING HEARING: The Preliminary Examination scheduled for 4/21/2022 at 1:30 PM as to Daniel Joseph Tisone will be converted to an Arraignment on 4/21/2022 at 01:30 PM in Ft. Myers Courtroom 4 E before Magistrate Judge Nicholas P. Mizell. (WRW) (Entered: 04/21/2022)
04/21/2022	21	ORDER as to Daniel Joseph Tisone: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Judge Timothy J. Corrigan on 12/01/2020. (JK) (Entered: 04/21/2022)
04/20/2022	19	INDICTMENT returned in open court as to Daniel Joseph Tisone (1) count(s) 1-4, 5-10, 11-12, 13-17, 18. (Attachments: # 1 Restricted Unredacted Indictment) (JK) (Entered: 04/21/2022)
04/13/2022	18	NOTICE OF ATTORNEY APPEARANCE: Mark R. Eiglarsh appearing for Daniel Joseph Tisone (Eiglarsh, Mark) [2:22-mj-01043-DNF] (Entered: 04/13/2022)
04/01/2022	16	ARREST Warrant Returned Executed on 03/31/22 as to Daniel Joseph (JK). Modified on 4/1/2022 (JK). [2:22-mj-01043-DNF] (Entered: 04/01/2022)
03/31/2022	17	Receipt for Surrender of Passport as to Daniel Joseph Tisone. Passport Number 582585898 issued by United States (jmc) [2:22-mj-01043-DNF] (Entered: 04/01/2022)
03/31/2022	14	NOTICE OF HEARING as to Daniel Joseph Tisone: Preliminary Examination set for 4/21/2022 at 01:30 PM in Ft. Myers Courtroom 4 E before Magistrate Judge Nicholas P. Mizell. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/31/2022	13	***CJA 23 Financial Affidavit by Daniel Joseph Tisone. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/31/2022	12	Unsecured BOND entered as to Daniel Joseph Tisone in amount of \$ 250,000. Signed by Magistrate Judge Douglas N. Frazier on 3/31/2022. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/31/2022	11	Minute Entry for In Person proceedings held before Magistrate Judge Douglas N. Frazier: granting 9 ORAL Motion for Bond as to Daniel Joseph Tisone (1); granting 10 ORAL Motion to Appoint Counsel for Initial Appearance only as to Daniel Joseph Tisone (1); Initial Appearance as to Daniel Joseph Tisone held on 3/31/2022. (DIGITAL) (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/31/2022	10	ORAL MOTION to Appoint Counsel for Initial Appearance only by Daniel Joseph Tisone. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/31/2022	9	ORAL MOTION for Bond by Daniel Joseph Tisone. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/31/2022	7	NOTICE OF RESCHEDULING HEARING (AS TO TIME ONLY): The Initial Appearance hearing previously scheduled for 3/31/2022 at 1:30 is rescheduled as to Daniel Joseph Tisone. New hearing time: Initial Appearance set for 3/31/2022 at 02:30 PM in Ft. Myers Courtroom 4 E before Magistrate Judge Douglas N. Frazier. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)

03/31/2022	6	NOTICE OF HEARING as to Daniel Joseph Tisone: Initial Appearance set for 3/31/2022 at 01:30 PM in Ft. Myers Courtroom 4 E before Magistrate Judge Douglas N. Frazier. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/30/2022	3	COMPLAINT as to Daniel Joseph Tisone (1). (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/30/2022	2	ORDER granting 1 Motion to Seal as to Daniel Joseph Tisone (1). Signed by Magistrate Judge Douglas N. Frazier on 3/30/2022. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)
03/30/2022	1	MOTION to Seal by USA as to Daniel Joseph Tisone. (WRW) [2:22-mj-01043-DNF] (Entered: 03/31/2022)

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

v.

DANIEL JOSEPH TISONE

Case Number: 2:22-cr-39-SPC-NPM

USM Number: 93800-509

**Mark R. Eiglarsh, Retained
3107 Stirling Road
Suite 207
Fort Lauderdale, FL 33312**

JUDGMENT IN A CRIMINAL CASE

Defendant pleaded guilty to Counts Two, Eight, Fourteen, and Eighteen of the Indictment. Defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. §§ 1343 and 2	Wire Fraud	April 1, 2020	Two
18 U.S.C. §§ 1344 and 2	Bank Fraud	November 9, 2020	Eight
18 U.S.C. §§ 1957 and 2	Illegal Monetary Transaction	November 5, 2020	Fourteen
18 U.S.C. §§ 922(g)(1) and 924(a)(2)	Possession of Ammunition by a Convicted Felon	March 31, 2022	Eighteen

Defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

1, 3-7, 9-13 and 15-17 are dismissed on the motion of the United States.

IT IS ORDERED that Defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Judgment:

February 21, 2023


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

February 23, 2023

»

Daniel Joseph Tisone
2:22-cr-39-SPC-NPM

IMPRISONMENT

Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **87-MONTHS, as to Counts 2, 8, 14 and 18, all such terms shall run concurrently to each other.**

The Court makes the following recommendations to the Bureau of Prisons:

1. Incarceration in a facility close to home (Fort Myers, Florida).
2. Participation in any and all drug/alcohol programs available, to include the intensive 500 Hour Drug Treatment Program, if and when eligible.

Defendant shall surrender to the United States Marshal for this district no later than 2:00pm on April 19, 2023. If designated sooner, defendant must surrender as directed by BOP.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

Daniel Joseph Tisone
2:22-cr-39-SPC-NPM

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of **3-YEARS, as to Counts 2, 8, 14 and 18, all such terms shall run concurrently to each other.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. Defendant must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.
5. Defendant shall cooperate in the collection of DNA, as directed by the probation officer.

The defendant shall comply with the standard conditions that have been adopted by this court as well as any other conditions on the attached page.

Daniel Joseph Tisone
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STANDARD CONDITIONS OF SUPERVISION

As part of Defendant's supervised release, Defendant must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for Defendant's behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in Defendant's conduct and condition.

1. Defendant must report to the probation office in the federal judicial district where Defendant is authorized to reside within 72 hours of Defendant's release from imprisonment, unless the probation officer instructs Defendant to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, Defendant will receive instructions from the court or the probation officer about how and when Defendant must report to the probation officer, and Defendant must report to the probation officer as instructed.
3. Defendant must not knowingly leave the federal judicial district where Defendant is authorized to reside without first getting permission from the court or the probation officer.
4. Defendant must answer truthfully the questions asked by Defendant's probation officer.
5. Defendant must live at a place approved by the probation officer. If Defendant plans to change where Defendant lives or anything about Defendant's living arrangements (such as the people Defendant lives with), Defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, Defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. Defendant must allow the probation officer to visit Defendant at any time at Defendant's home or elsewhere, and Defendant must permit the probation officer to take any items prohibited by the conditions of Defendant's supervision that the probation officer observes in plain view.
7. Defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses Defendant from doing so. If Defendant does not have full-time employment Defendant must try to find full-time employment, unless the probation officer excuses Defendant from doing so. If Defendant plans to change where Defendant works or anything about Defendant's work (such as Defendant's position or Defendant's job responsibilities), Defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, Defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. Defendant must not communicate or interact with anyone Defendant knows is engaged in criminal activity. If Defendant knows someone has been convicted of a felony, Defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If Defendant is arrested or questioned by a law enforcement officer, Defendant must notify the probation officer within 72 hours.
10. Defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).
11. Defendant must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that Defendant poses a risk to another person (including an organization), the probation officer may require Defendant to notify the person about the risk and Defendant must comply with that instruction. The probation officer may contact the person and confirm that Defendant has notified the person about the risk.
13. Defendant must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature: _____

Date: _____

Daniel Joseph Tisone
2:22-cr-39-SPC-NPM

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

1. Defendant shall participate in a substance abuse program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, Defendant shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Substance Abuse Treatment Services. During and upon completion of this program, Defendant is directed to submit to random drug testing.
2. Defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or making an obligation for any major purchases without approval of the Probation Officer.
3. Defendant shall provide the probation officer access to any requested financial information.
4. Defendant shall submit to a search of Defendant's person, residence, place of business, any storage units under Defendant's control, computer, or vehicle, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. Defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.
5. Defendant shall submit to random drug testing not to exceed 104 tests per year.

Daniel Joseph Tisone
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CRIMINAL MONETARY PENALTIES

Defendant shall pay the following total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

	<u>Assessment</u>	<u>AVAA Assessment¹</u>	<u>JVTA Assessment²</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$400.00	\$0.00	\$0.00	WAIVED	\$2,617,447.17

Defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If Defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>Restitution Ordered</u>
Bank of Clarke County 2 East Main Street Berryville, VA 22611	\$1,476,093.00
SBA/DFC 721 19 th St. 3 rd Floor, Room 301 Denver, CO 80202	\$1,141,354.17

SCHEDULE OF PAYMENTS

Special assessment shall be paid in full and is due immediately.

Having assessed Defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

The Court finds the defendant does not have the ability to pay interest, therefore the interest requirements for restitution are waived.

While in the custody of the Bureau of Prisons, Defendant shall either (1) pay at least \$25 quarterly if Defendant has non-Unicor or (2) pay at least 50 percent (50%) of your monthly earnings if working Defendant has a Unicor position. Upon release from custody, Defendant is ordered to begin making payments of 10 percent (10%) of monthly income per month and this payment schedule shall continue until such time as the Court is notified by Defendant, the victim or the government that there has been a material change in Defendant's ability to pay.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. **All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court, unless otherwise directed by the court, the probation officer, or the United States attorney.**

Defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) ~~fine interest~~ - **WAIVED**, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

FORFEITURE

Defendant shall forfeit to the United States those assets previously identified in the Indictment (Doc. 19), Amended Plea Agreement (Doc. 54) and Order of Forfeiture (Doc. 69) that are subject to forfeiture.

¹ Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

² Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.