UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 23-CR-20036-MOORE

UNITED STATES,

v.

DANIELA RENDON,

Defendant.
______________________________/

THE GOVERNMENT'S UNOPPOSED MOTION TO RECONSIDER THE ORDER DENYING THE DEFENDANT'S AGREED MOTION TO CONTINUE TRIAL DATE

The United States of America ("the Government"), by and through the undersigned Assistant United State Attorney, hereby files this Motion to Reconsider the Court's Order Denying the Defendant Daniela Rendon's Agreed Motion to Continue [ECF No. 29]. The Defendant does not oppose this motion.

BACKGROUND

From 2020 until 2022, the Defendant is alleged to have defrauded the Economic Injury Disaster Loan ("EIDL") and Paycheck Protection Program ("PPP"), and received approximately $381,290 in proceeds. The Defendant is charged by indictment with seven counts of wire fraud, in violation of Title 18, United States Code, Section 1343; two counts of money laundering, in violation of Title 18, United States Code, Section 1957; and one count of aggravated identity theft, in violation of Title 18, United States Code, Section 1028A(a)(1) [ECF No. 1].

The Defendant had her initial appearance on February 2, 2023 [ECF No. 7], and a pretrial detention hearing was held on February 3, 2023 [ECF No. 11]. The Defendant was represented by Samuel Rabin, Jr. [ECF No. 8]. After the detention hearing, undersigned spoke with Mr. Rabin to discuss providing discovery, and Mr. Rabin said that he needed a week to enter a permanent appearance. On February 9, 2023, another attorney, Robert Mandell, was added as counsel [ECF No. 14]. Mr. Mandell practices in Orlando, Florida.

The Defendant entered her bond [ECF No. 16], and was arraigned on February 13, 2023 [ECF No. 19]. On February 15, 2023, the undersigned produced discovery to Mr. Mandell and entered the First Response to the Standing Discovery Order [ECF No. 22]. Calendar call is scheduled for March 23, 2023.

On March 6, 2023, the Defendant filed the Agreed Motion to Continue, asking for a continuance until the end of 2023 [ECF No. 24]. The Defendant explained that this complex case involved voluminous discovery and that the Defense and the Government wished for more time to thoroughly prepare [ECF No. 24, at 2]. The Court denied the Motion, explaining that "the [p]arties provide no factual justification for their requested continuance other than the purported complexity of the case," and that, "without more," the Court did not find good cause for the continuance [ECF No. 29].

DISCUSSION

The Government respectfully requests that the Court reconsider the Defendant's Agreed Motion to Continue because "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(7)(A). In compliance with the Court's Scheduling Order, [ECF No. 20], the Government wishes to "set forth in detail which factors constitute grounds for a continuance" under Title 18, United States Code, Section 3161(7)(B).

Discovery

The discovery in this case is voluminous. It comprises the email accounts, cloud drive, and social media profiles for the Defendant, as well as the email, cloud drive, and social media accounts for the Defendant's alleged accomplice, who has been charged and is pending sentencing before this Court. *See United States v. Lorquet*, 22-CR-20326-KMM.

At least three e-mail accounts were used to commit the Defendant's fraud, and the e-mail accounts blend both personal and professional communications. Together, there are approximately 60,814 records within the three accounts. The discovery in this case also includes bank and financial records for the Defendant's two companies, Rendon Holdings LLC and Daniela Rendon, PA, both of which the Defendant used to apply for fraudulent COVID-relief loans. The discovery for the Bank of America accounts alone totals 952 pages.

The discovery related to the Defendant's fraudulent applications is also voluminous. The Defendant submitted fraudulent applications to multiple loan processors or participating lenders, sometimes multiple times. For example, the discovery related to the EIDL loan contains ten application files, each of which include SBA e-mail traffic, call records, and internal workflow notes. The discovery in this case is data-intensive, too. Because the Defendant's fraud is alleged to have occurred over two years, the Defendant's e-mail and cloud drive contains approximately 30 gigabytes of electronic data. And because the Defendant alleged herself to be a social media "influencer," her social media accounts are densely packed as well. This photographic and video evidence is relevant and must be reviewed, and doing so will take time and resources, both for the Government and for the Defendant.

Trial Preparation

Allowing the Defendant the opportunity to thoroughly review this evidence is better for the public, better for the Defendant, and, the undersigned believes, better for the Court. The undersigned and Mr. Mandell have conferred and hope to limit the evidentiary issues in this case by arriving at joint stipulations as to the authenticity or admissibility of the evidence. Given the wide scope of the Defendant's fraud, the parties would also like time to brief the Court on the issues or facts with which they may disagree.

Mr. Mandell and the undersigned also have scheduling conflicts that will prevent our ability to adequately prepare for this before trial before the March 23, 2023 calendar call. The undersigned is scheduled to try a COVID-relief fraud case before the Honorable Robert N. Scola in the second week of his upcoming calendar, on March 20, 2023. *See United States v. Rollins*, 22-CR-20464-RNS. And Mr. Mandell is scheduled to try an attempted murder case in Lake County, Florida, on March 27, 2023. *See Lake County v. Johnson*, 2022-CF-002497. That case, Mr. Mandell informs the undersigned, has reached the end of the trial clock and must proceed.

Mr. Mandell, who practices in the Middle District of Florida, has also been unable to meet with his client, who is under pretrial release in the Southern District Florida. Although Mr. Mandell was scheduled to meet with the Defendant in Orlando, Florida on March 8, 2023, the Defendant's motion to travel was denied because it did not list the position of the supervising pretrial services officer [ECF No. 27]. The Defendant has filed an amended motion to travel, however, which was granted on March 8, 2023 [ECF No. 30]. The Defendant should be given the opportunities to meet with her chosen counsel to review the discovery in this case.

Mr. Mandell and the undersigned have also discussed a resolution to this case, and the Government has provided Mr. Mandell a draft plea agreement. The parties are working faithfully towards a resolution.

Witness Coordination

The undersigned requests a continuance to allow the Defendant an opportunity to meet with her counsel, to allow Mr. Mandell an opportunity to fully review the evidence, and to allow the Government time to coordinate its trial witnesses. The undersigned expects trial in this case to take between five and seven days. Witnesses will include representatives from internet service providers, out-of-state PPP participating lenders, the Small Business Administration, the Internal Revenue Service, the Florida Department of Revenue, forensic analysts and special agents with the Department of Homeland Security, as well as accountants, the Defendant's alleged accomplice, and her associates. Because of the extent of COVID-relief fraud in general, and because the COVID-relief programs are no longer active, the PPP participating lenders and SBA have a limited amount of people who are competent to testify. Allowing the Government some flexibility in timing to accommodate and confirm the availability of these witnesses will ensure—if this case is to go to trial—that it will be run efficiently, with no moment of the jury's or witnesses' time un-used.

The Defendant's Agreed Motion to Continue is the first to be sought in this case, and the undersigned continues to agree that the Defendant's Motion is merited. This Court has granted ends-of-justice continuances in cases with less complex facts and less voluminous discovery and where, as here, counsel for the defendant had either a preplanned obligation, such as vacation, or needed additional time to review the evidence. *See United States v. Neal*, 19-CR-20648-MOORE (Nov. 1, 2019) (granting a motion until January 21, 2020 where the defendant was charged with carjacking and the discovery consisted of a "significant number of audio and video recordings"); *United States v. Calderon*, 21-C-20183 (May 27, 2021) (granting a motion to continue until August 21, 2021 where the government provided "5000+ documents to review" and that "it will take considerable time—in coordination with counsel's client—to properly review and digest the materials"). And, similar to here, this Court has granted a continuance where the Defendant lived in one city (Big Pine Key, Florida) and the defense counsel lived in another (Miami, Florida), and the large amount of fraud discovery had to be reviewed with the Defendant in person. *See United States v. Conkright*, 19-CR-10017-MOORE (Dec. 3, 2019) (granting a motion to continue where the defendant's car was destroyed in a hurricane and the discovery contained "extensive reports, records and financial data pertaining to what is alleged to be a substantial fraud offense").

A continuance of 60 days in this matter will serve the ends of the justice. It will serve the Defendant, who herself seeks the continuance; it will serve the Government, who works to gain approval for a non-trial resolution; and it will serve the Court and the public, including the jurors and witnesses, by allowing for a coordinated, informative, and efficient trial.

Respectfully submitted on March 10, 2023,

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