

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

UNITED STATES OF AMERICA

v.

Case No. 8:24-cr-317-VMC-AEP

DAVID ANTONETTI

_____/

**DEFENDANT DAVID ANTONETTI'S UNOPPOSED MOTION FOR ORDER
DIRECTING FALKENBERG ROAD JAIL TO KEEP MR. ANTONETTI OR
TRANSFER HIM TO PINELLAS COUNTY JAIL**

Defendant David Antonetti respectfully moves for an order directing Falkenberg Road Jail to keep Mr. Antonetti in custody or transfer Mr. Antonetti to Pinellas County Jail. To support this motion, Mr. Antonetti states the following:

1. Mr. Antonetti is charged with wire fraud. (Doc. 1).
2. The parties have begun discussions to resolve this matter. If the parties are able to resolve the matter, then a sentencing will likely occur before the Court. If the parties are unable to resolve the matter, a trial will likely have to be held before the Court. In either instance, outstanding matters remain for this Court to resolve.
3. Mr. Antonetti is currently housed at Falkenberg Road Jail (FRJ) in Tampa.
4. Defense counsel, Mr. Antonetti's family, and the prosecutor all reside in or around Tampa.
5. Earlier this month, Mr. Antonetti was sentenced as part of a state court case that is currently pending appeal.

6. Mr. Antonetti currently has a federal hold.

7. To determine whether Mr. Antonetti will continue to be housed at FRJ or be transferred according to his state sentence, the undersigned counsel reached out to FRJ. On that call, the undersigned learned that, because of the length of his state court sentence, Mr. Antonetti is likely to be transferred to a state prison in Orlando.

8. Following that call, the undersigned conferred with other stakeholders, including Mr. Antonetti, and learned that a transfer is not likely because of the federal hold.

9. In an abundance of caution, the undersigned counsel¹ files this motion to best ensure that Mr. Antonetti will not be transferred to state prison in Orlando while this matter remains pending.

10. Mr. Antonetti's presence in the Tampa area is necessary because that is where his defense counsel for this matter is located; this matter (including trial)² remains pending before this Court; the parties might schedule a proffer with Mr. Antonetti and the prosecution, who is also located in Tampa; and Mr. Antonetti's family lives in the Tampa area.

¹ At the time of this filing, defense counsel's wife is undergoing labor for their first child. The undersigned apologizes for any lack of clarity in this motion. Given the time-sensitive need to confirm Mr. Antonetti's housing, the undersigned filed this motion.

² The parties anticipate asking the Court for a continuance at the next status conference based on current discussions to possibly resolve this matter.

11. In the event that Mr. Antonetti cannot remain at FRJ because the U.S. Marshals' contract is not with FRJ, Mr. Antonetti alternatively asks that the Court order FRJ to transfer him to Pinellas County Jail until this matter fully resolves.

12. The undersigned conferred with Assistant U.S. Attorney Christopher Poor, who has no objection to Mr. Antonetti's requested relief.

Therefore, Mr. Antonetti respectfully requests that the Court order directing Falkenberg Road Jail to keep Mr. Antonetti in custody. In the event that is not possible for FRJ or U.S. Marshals, Mr. Antonetti asks that the Court order FRJ to transfer Mr. Antonetti to Pinellas County Jail.

Respectfully submitted,

/s/ Diego M. Pestana
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 23, 2024, a copy of this document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Diego M. Pestana

Diego M. Pestana