

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 2:23-cr-9-TPB-KCD

DENIS CASSEUS

MOTION FOR CLARIFICATION

The Office of the Federal Defender, through undersigned counsel, respectfully requests this Court clarify the scope of its appointment of the Federal Defender to represent Defendant Denis Casseus.

On January 24, 2024, a pro se motion for compassionate release was filed for Mr. Casseus. Doc. 62. The Court directed the government to respond. Doc. 63. On February 9, 2024, Mr. Casseus, through private counsel Zeljka Bozanic, filed a sentence reduction motion under Amendment 821. Doc. 64. The Court directed the government to respond to Mr. Casseus's compassionate release motion (Doc. 62) but stated the government was not required to respond to the pro se Amendment 821 motion (Doc. 64) until after receipt of Probation's Amendment 821 memorandum. Doc. 67. Two days later, the Court appointed the Federal Defender "for First Step Act proceedings as to Defendant Denis Casseus." Doc. 68. On February 21, 2024, the government filed their response in opposition to the pro se compassionate release motion. Doc. 70.

The undersigned has conferred with private counsel Zeljka Bozanic, AUSA D. Rodney Brown (Amendment 821), and AUSA Yolande Viacava (compassionate release) and some confusion exists regarding the scope of the Federal Defender's representation of Mr. Casseus given that two motions are pending.

The undersigned believes the Court's intention was to appoint the Federal Defender to represent Mr. Casseus in his compassionate release motion (Doc. 62), while Ms. Bozanic continues to represent Mr. Casseus in the Amendment 821 context (Doc. 64). If that is the case, the undersigned respectfully requests an order clarifying that the Federal Defender is appointed to represent Mr. Casseus on his compassionate release motion (Doc. 62) only, while Ms. Bozanic continues to represent Mr. Casseus on his Amendment 821 motion (Doc. 64). The undersigned has spoken to Ms. Bozanic and is authorized to represent that both the undersigned and Ms. Bozanic are amenable to this. If that was not the Court's intention, the undersigned respectfully asks the Court to clarify the scope of the Federal Defender's representation in this case.

If the Federal Defender will be representing Mr. Casseus in his compassionate release motion (Doc. 62), the undersigned respectfully requests the Court defer ruling on that motion to allow counsel time to speak to Mr. Casseus; properly exhaust, if necessary; obtain supporting documentation; and

make any appropriate motions such as a motion to amend. The undersigned has conferred with AUSA Yolande Viacava and is authorized to represent that the government is not opposed to such a deferment.

Dated: March 12, 2024

Respectfully submitted,

A. FITZGERALD HALL, ESQ.
FEDERAL DEFENDER, MDFL

s/ Laura A. Ferro, Esq.
Laura A. Ferro, Esq.
Research and Writing Attorney
Florida Bar Number 1015841
2075 West First Street, Suite 300
Fort Myers, Florida 33901
Telephone 239-334-0397
Email: laura.ferro@fd.org

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been furnished by electronic notification to AUSA Yolande Viacava, AUSA D. Rodney Brown, and private counsel Zeljka Bozanic on March 12, 2024.

s/ Laura A. Ferro, Esq.
Research and Writing Attorney