

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

STATUS REPORT REGARDING FORFEITURE

The United States of America files this status report regarding all pending forfeiture matters in this case.

1. On December 30, 2022, the Court entered a Preliminary Order of Forfeiture forfeiting to the United States all right, title, and interest of the defendant in the following assets, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), 982(a)(2)(A), 28 U.S.C. § 2461(c):

- a. approximately \$64,813.43 seized from Bank of Clarke County account ending in 2616, held in the name of TEC Ventures LLC (the BOC Account);
- b. approximately \$832.26 seized from JP Morgan Chase account ending in 8870, held in the name of TEC Ventures LLC (the Chase Account);
- c. a 4.02 carat solitaire, oval cut, lab-grown diamond engagement ring, in custom 18K yellow-gold band setting, purchased from Friendly Diamonds, on or about September 17, 2021 (the Diamond Ring);
- d. the real property located at 1001 10th Avenue South, Naples, Florida 34102 (1001 10th Avenue);
- e. the real property located at 550 Starboard Drive, Naples, Florida 34103 (550 Starboard Drive); and

- f. assorted ammunition seized from the defendant's residence on or about March 31, 2022 (the Ammunition),

(collectively, the Forfeitable Assets). Doc. 69.

2. Following entry of the Preliminary Order of Forfeiture, the United States sent notice of the forfeiture to all parties with a potential interest in the Forfeitable Assets. In response, the following parties filed petitions or claims asserting an interest in one or more of the Forfeitable Assets:

- a. Mortgage Electronic Registration Systems, Inc. (MERS) filed a petition asserting an interest in the 550 Starboard Drive property based on their mortgage/secured interest in the property (Doc. 79);
- b. Bank of Clarke County filed a "Petition for Remission" seeking remission of funds seized from the BOC Account (Doc. 80); and
- c. Collier County Tax Collector filed a claim asserting an interest in the 1001 10th Avenue and the 550 Starboard Drive properties for any unpaid property taxes and/or assessments (Doc. 81).

3. On February 16, 2023, the United States filed an *Unopposed* Motion to Strike Petition for Remission filed by Bank of Clarke County (Doc. 80) because, as the Bank agreed, the pleading was meant to be a remission request directed to the Attorney General. Doc. 87. The United States' motion to strike and the Bank's petition are both pending.

4. On March 21, 2023, the United States filed a Motion to Vacate Preliminary Order of Forfeiture for Real Property for the 1001 10th Avenue property

because the property had insufficient equity to move forward. Doc. 97. On March 22, 2023, the Court granted the United States' motion and vacated the Preliminary Order of Forfeiture for the 1001 10th Avenue property. Doc. 99. Because the United States is not completing the forfeiture of this property, the Claim filed by Collier County Tax Collector as it pertains to the 1001 10th Avenue Property (Doc. 81) should be denied as moot.

5. On March 22, 2023, the United States filed an Unopposed, Time-Sensitive Motion to Vacate the Preliminary Order of Forfeiture for the 550 Starboard Drive property in order to allow a pending sale for the property to close so that the funds could be applied to restitution. Doc. 98. On March 22, 2023, the Court granted the United States' motion and vacated the Preliminary Order of Forfeiture for the 550 Starboard Drive property. Doc. 99. Because the United States is not completing the forfeiture of the property, the petition filed by MERS (Doc. 79) and the claim filed by Collier County Tax Collector as it pertains to the 550 Starboard Drive property (Doc. 81) should be denied as moot.

5. On May 18, 2023, the United States filed a Notice to Court Regarding Forfeiture, notifying the Court that it will not complete the forfeiture of the BOC Account, the Chase Account, or the Diamond Ring, because those assets have been administratively forfeited by the Federal Bureau of Investigation. Doc. 113. Therefore, those assets are no longer subject to forfeiture in this case.

6. On May 18, 2023, the United States filed a Motion for Final Order of Forfeiture for the Ammunition, which is the only Forfeitable Asset left to be resolved in this case. Doc. 114. That motion is pending.

7. In conclusion, the United States believes that the following, pending motions/claims/petitions are ripe for review, which will resolve all pending forfeiture matters in this case:

- a. The United States' *Unopposed* Motion to Strike Petition for Remission filed by Bank of Clarke County (Doc. 87) should be granted, which will also resolve the Bank of Clarke County's pending petition (Doc. 80);
- b. MERS petition relating to the 550 Starboard Property (Doc. 79) should be denied as moot because the Court has vacated the Preliminary Order of Forfeiture as it pertains to that property (Doc. 99);
- c. The Collier County Tax Collector's claim (Doc. 81) relating to both the 550 Starboard Drive and the 1001 10th Avenue properties should be denied as moot because the Court has vacated the Preliminary Order of Forfeiture as it pertains to both properties (Doc. 81); and

- d. The United States Motion for Final Order of Forfeiture for the Ammunition (Doc. 114) is ripe for review, which will resolve the only Forfeitable Asset remaining in this case.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system that will send a notice of electronic filing to counsel of record.

s/ Suzanne C. Nebesky

SUZANNE C. NEBESKY

Assistant United States Attorney