

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA CASE NO.: 2:22-CR-39-SPC-NPM

vs.

DANIEL JOSEPH TISONE
_____ /

AFFIDAVIT OF MARK EIGLARSH

My name is Mark Eiglarsh and I was Daniel Joseph Tisone's attorney in case number 22-cr-00039-SPC-NPM. I have thoroughly reviewed Mr. Tisone's Motion to Set Aside His Sentence. Given the numerous inaccuracies it contains, I feel compelled to respond and set the record straight.

GROUND ONE

Mr. Tisone's claims that I failed to review discovery with him is categorically false. Throughout my 32 years of practice, it has been my unwavering standard to either provide clients with discovery or thoroughly review it with them. This was done in Mr. Tisone's case.

His assertion that I "failed to discuss the concept of intended loss, the potential loss amount attributed to him at sentencing, or the resulting Sentencing Guidelines range he would face" is equally untrue. As I do in all my federal cases, I reviewed these areas in detail with him. Mr. Tisone fully understood the issues surrounding his sentencing and expressed no further questions.

Before Mr. Tisone entered his guilty plea, I ensured he thoroughly understood all the legal aspects of his case, including the potential consequences of his decision. He knowingly, freely, voluntarily, and intelligently waived his right to trial and entered a guilty plea. I provided him with highly effective assistance of counsel.

GROUND TWO

The allegations in Ground Two are similarly riddled with falsehoods. Mr. Tisone once again falsely claims that he was not provided discovery or advised on the Sentencing Guidelines, both of which are patently untrue.

I also wish to address a specific incident during my representation. At one point, our professional relationship was briefly challenged when I learned that Mr. Tisone had purchased a website—www.markeiglarshreviews.com. When I confronted him about it, he admitted that his intention was to harm my professional reputation online if he did not achieve the sentencing outcome he desired. Additionally, he posted a scathing, one-star review about me under a fictitious name, which was clearly written by him.

Upon addressing these actions with Mr. Tisone, he agreed to remove both the false review and the website. He also offered a sincere and passionate apology. In return, I chose to continue representing him with the same passion and dedication as before. Any temporary conflict was fully resolved well in advance of his change of plea and sentencing, and we maintained a strong attorney-client relationship at that time.

It appears Mr. Tisone is now attempting to distort the facts due to dissatisfaction with the outcome of his case, despite my zealous advocacy on his behalf.

GROUND THREE

The claims in Ground Three are similarly inaccurate. Mr. Tisone's assertion that submitting the sentencing memorandum earlier would have resulted in a different sentence is baseless. The sentencing judge explicitly stated that the memorandum was read and considered before rendering a decision.

Additionally, Mr. Tisone's allegations regarding the timing of the sentencing memorandum omit key facts. At his insistence, I requested a rough draft memorandum from him to ensure that all the points he deemed important were addressed. This was particularly necessary given his previous threats to harm my professional reputation, as I sought to prevent any false claims that I had omitted specific arguments.

The final sentencing memorandum was filed close to the deadline because Mr. Tisone delayed providing the additional information he insisted be included. Despite my repeated and urgent requests for this information, his delay necessitated a last-minute filing. However, I am confident that the timing of the filing did not adversely affect his case in any way.

In summary, Mr. Tisone's motion misrepresents the facts and unfairly casts doubt on the effective counsel I provided throughout his case. His dissatisfaction with the outcome does not change the reality that I acted with professionalism, diligence, and unwavering dedication at every stage of my representation.

FURTHER AFFIANT SAYETH NAUGHT

MARK EIGLARSH

SWORN TO AND SUBSCRIBED before me, **by means of** ☐ **physical presence or** ☐ **online notarization**, this 21st day of January, 2025, by Mark Eiglarsh, personally known to me ____, or provided **DL#** _____ as identification.

{Notary Seal}

Signature of Notary Public