UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Angela E. Noble
Court Administrator • Clerk of Court

101 S. U.S. Highway One, Room 1016
Fort Pierce, Florida 34950
(772) 467-2308

Date: September 10, 2021

To: United States District Court
Northern District of Florida

Re: **USA -v- JOE NICHOLAS CATALA**

Our Case # 21-057-WM	SD/Florida
Your Case # 4:21cr36-ACW	ND/Florida (Tallahassee Division)

CLERK'S NOTICE OF CRIMINAL REMOVAL TO OTHER DISTRICT

Pursuant to the Order of Removal entered by U.S. Magistrate Judge Shaniek M. Maynard on September 10, 2021 the above styled case is hereby transferred to your district. Please find enclosed the following documents:

- ▫ Copy of the docket sheet
- ▫ Transmittal letter
- ▫ Minute Orders on Removal proceedings

You may access our electronic case file and upload all other electronically filed documents via PACER by using your PACER (not CM/ECF) login and password. If you do not have a PACER login, please contact PACER Center. Please acknowledge receipt and return copy of transmittal letter.

Sincerely,

ANGELA E. NOBLE
Court Administrator • Clerk of Court

By: Colette Griffin-Arnold, Deputy Clerk

Date rec'd:_____

By:_____
Deputy Clerk

BNDSMM,CLOSED

U.S. District Court
Southern District of Florida (Ft Pierce)
CRIMINAL DOCKET FOR CASE #: 2:21−mj−00057−WM−1

Case title: USA v. Catala

Date Filed: 08/12/2021

Other court case number: 4:21−cr−36−ACW Florida Northern

Date Terminated: 09/10/2021

Assigned to: Magistrate Judge William Matthewman

Defendant (1)

Joe Nicholas Catala
59647−509
English; YOB: 2000
TERMINATED: 09/10/2021

represented by **Jeff Gorman**
47 SE Ocean Boulevard
Stuart, FL 34994−2214
772−220−4000
Fax: 772−220−4114
Email: jgorman@jgormanlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts	**Disposition**
None	

Highest Offense Level (Opening)

None

Terminated Counts	**Disposition**
None	

Highest Offense Level (Terminated)

None

Complaints	**Disposition**
Removal of Indictment to Florida Northern − 18 USC 1349, 1344, 1028(a)(7), 1708, 510(a)(2), and 1028(a)(1)	

Plaintiff

USA

represented by **Diana Margarita Acosta**
United States Attorney's Office
101 South U.S. Hwy 1
Suite 3100
Fort Pierce, FL 34950
772−293−0981
Fax: 772−466−1020
Email: diana.acosta@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Page	Docket Text
08/12/2021	1		Magistrate Removal of Indictment from Florida Northern Case number in the other District 4:21−cr−36−ACW as to Joe Nicholas Catala (1). (kza) (Main Document 1 replaced on 8/16/2021) (kza). (Entered: 08/12/2021)
08/12/2021	2		PAPERLESS Minute Order for proceedings held before Magistrate Judge William Matthewman: The Hearing was held by Zoom video conference with all parties. **Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings** as to Joe Nicholas Catala held on 8/12/2021. The Court advised the defendant of the charges, possible maximum penalties and his rights. Jeff Gorman will file a Notice of Permanent Appearance. The Defendant waived his physical appearance in the courtroom and appeared by video from the Fort Pierce U.S. Marshal's cell block. The Court found the hearing cannot be further delayed without serious harm to the interests of justice due to the Covid−19 pandemic, the Cares Act and Chief Judge's Administrative Orders. The Court approved defendant's waiver of presence and found the Defendant's consent to appear by video knowing and voluntary. The Government requested pretrial detention and three (3) days. The Court explained Removal/Identity Hearing to the Defendant. Hearings set. Date of Arrest or Surrender: 8/12/2021. Total time in court: 19 minutes. Detention Hearing set for 8/17/2021 10:00 AM in Fort Pierce Division before FTP Duty Magistrate. Removal Hearing set for 8/17/2021 10:00 AM in Fort Pierce Division before FTP Duty Magistrate. Attorney Appearance(s): Diana Margarita Acosta, Jeff Gorman. Attorney added: Jeff Gorman for Joe Nicholas Catala (Digital 10:48:03) Signed by Magistrate Judge William Matthewman on 8/12/2021. (kza) (Entered: 08/12/2021)
08/13/2021	3		NOTICE OF ATTORNEY APPEARANCE: Jeff Gorman appearing for Joe Nicholas Catala (Gorman, Jeff) (Entered: 08/13/2021)
08/17/2021	4		Minute Order for proceedings held before Magistrate Judge Shaniek M. Maynard: Detention Hearing as to Joe Nicholas Catala held on 8/17/2021. Bond set $150,000 Personal Surety bond co−signed by both parents, mother Edna Catala third party custodian and parents residence secured as collateral for bond.Deft ordered to appear in USDC ND/FL (Tallahassee) on or before Thurs.8/19/21 at 1:30 p.m. Note: after release from St. Lucie County Jail, Deft will appear Clerks Office on 8/18/21 at 9:00 a.m. to co−sign bond form and parents will have until 4:30 p.m. (Digital Zoom recording START: 10.04 END:

			11.04) Signed by Magistrate Judge Shaniek M. Maynard on 8/17/2021. (cga) (Entered: 08/17/2021)
08/18/2021	5		WAIVER of Rule 5(c)(3)/Rule 40 Hearing by Joe Nicholas Catala (cga) (Entered: 08/18/2021)
08/19/2021	6		MOTION for Reconsideration by Joe Nicholas Catala. Responses due by 9/2/2021 (Gorman, Jeff) (Entered: 08/19/2021)
08/20/2021	7		PAPERLESS ORDER REQUIRING EXPEDITED RESPONSE as to Joe Nicholas Catala re 6 MOTION for Reconsideration filed by Joe Nicholas Catala. (Government shall file a Response due by close of business 8/23/2021). Signed by Magistrate Judge Shaniek M. Maynard on 8/20/2021. (cga) (Entered: 08/20/2021)
08/23/2021	8		RESPONSE in Opposition by USA as to Joe Nicholas Catala re 6 MOTION for Reconsideration Replies due by 8/30/2021. (Acosta, Diana) (Entered: 08/23/2021)
08/30/2021	10		ORDER STAYING ORDER OF RELEASE as to Joe Nicholas Catala re 4 Minute Order on Detention Hearing held SD/FL 8/17/2017. Signed by United States District Judge Winsor, ND/FL on 8/30/2021. *See attached document for full details.* (cga) (Entered: 09/01/2021)
09/10/2021	11		PAPERLESS ORDER denying without prejudice re 6 MOTION for Reconsideration filed by Joe Nicholas Catala. The undersigned's order setting bond has been stayed pending further review by United States District Judge Allen Winsor. Defendant may raise the arguments contained within his motion to Judge Winsor if he wishes to do so. Signed by Magistrate Judge Shaniek M. Maynard on 9/10/2021. (cga) (Entered: 09/10/2021)
09/10/2021	12		ORDER OF REMOVAL ISSUED to Northern District of Florida as to Joe Nicholas Catala. Closing Case for Defendant. Signed by Magistrate Judge Shaniek M. Maynard on 9/10/2021. *See attached document for full details.* (cga) (Entered: 09/10/2021)

FILED BY KJZ D.C.
Aug 12, 2021
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

VS

CASE NO. 4:21cr36-ACW

JOE NICHOLAS CATALA

WARRANT FOR ARREST

21-57-WM

TO: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JOE NICHOLAS CATALA
Name
and bring him or her forthwith to the nearest magistrate to answer an

Indictment

charging him or her with:

conspiracy to commit bank and wire fraud; bank fraud; fraud in connection with identification documents; theft of mail; fradulent endorsement of treasury check; aggravated identify theft

in violation of Title 18 USC 1349, 18 USC 1344, 18 USC 1028(a)(7), 18 USC 1708, 18 USC 510(a)(2), 18 USC 1028(a)(1)

Jessica J. Lyublanovits
Name of Issuing Officer

Cynthia Markley
Deputy Clerk: Cynthia Markley

Clerk of Court
Title of Issuing Officer

August 4, 2021 Tallahassee
Date and Location

Bail fixed at $ Bail Reform Act
and/or in accordance with Comprehensive Crime Control Act of 1984.

by Martin A. Fitzpatrick
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

SEALED
INDICTMENT

JOE NICHOLAS CATALA

4:21 cr 36 - ACW

and

_____/

THE GRAND JURY CHARGES:

COUNT ONE

A. INTRODUCTION

At all times material to this Indictment:

Financial Institutions

1. Austin Telco Federal Credit Union (hereinafter "ATFCU"), Innovations Federal Credit Union (hereinafter "IFCU"), and The Golden 1 Credit Union (hereinafter "G1CU") were financial institutions, namely, credit unions with accounts insured by the National Credit Union Share Insurance Fund. ATFCU, IFCU, and G1CU offered online banking, credit cards, and debit cards to their customers.

FILED USDC FLND TL
AUG 3 '21 PM2:07

CERTIFIED A TRUE COPY
Jessica J. Lyublanovits
By Cindy Markley
Deputy Clerk

2. Bank of America, N.A. (hereinafter "BOA"), Bank of Hawaii (hereinafter "BOH"), Branch Banking & Trust Company (hereinafter "BB&T"), Discover Bank (hereinafter "Discover"), First Republic Bank (hereinafter "FRB"), GBC International Bank (hereinafter "GBC"), JPMorgan Chase Bank, N.A. (hereinafter "Chase"), Pacific Premier Bank (hereinafter "PPB"), TD Bank, N.A. (hereinafter "TD Bank"), UMB Bank (hereinafter "UMB") were financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation, which offered online banking, credit cards, and debit cards to their customers.

Zelle and Victims K.F., D.F., D.L., M.R., S.E., S.R., S.P., R.D., and N.N

3. Zelle, a service offered by Early Warning Services, LLC, headquartered in the state of Arizona, was a way to send money directly between U.S. bank accounts. If a bank or credit union offered Zelle, then its customers were able to use their bank or credit union's online banking website to send and receive money using Zelle. Otherwise, customers were required to use a smartphone to access the Zelle application ("app") to send and receive money.

4. The defendants, **JOE NICHOLAS CATALA,**

and had accounts with BB&T and Chase.

5. The defendants, **JOE NICHOLAS CATALA,** and used Zelle to send and receive funds to and from their respective BB&T and Chase accounts.

6. K.F., D.F., D.L., and M.R. were individuals who had accounts with BOH, which was headquartered in the State of Hawaii.

7. S.E. was an individual who had an account with ATFCU, which was headquartered in the State of Texas.

8. S.R. was an individual who had an account with UMB, which was headquartered in the State of Missouri.

9. R.D. was an individual who had an account with GBC, which was headquartered in the State of California.

10. S.P. was an individual who lived in Gainesville, Florida, and who had an account with IFCU, which was headquartered in Panama City, Florida.

Victims D.C., P.F., E.G., and A.C.

11. D.C. was an individual who had an account with PPB, which was headquartered in the State of California.

12. P.F., E.G., and A.C. were individuals who had accounts with FRB, which was headquartered in the State of California.

The CARES Act and Victim A.H.

1. On March 27, 2020, Congress passed the $2.2 trillion Coronavirus Aid, Relief, and Economic Security ("CARES") Act, which in part provides economic relief for taxpayers nationwide in response to the COVID-19 pandemic. The aid package included an Economic Impact Payment [("EIP"), also known as a "Coronavirus Stimulus check" or "Coronavirus Stimulus payment"] of $1,200 to individuals, so long as their last annual adjusted gross income was less than $75,000. Payments were distributed by the United States Treasury via direct deposit, or by mail using the latest address on file with the Internal Revenue Service ("IRS").

2. A.H. was an individual who qualified for a CARES Act Coronavirus Stimulus check. A.H. resided at apartment unit 1223 in a complex known as "The Social 2700 Student Spaces" (formerly known as "Villa Del Lago") in Tallahassee, Florida ("Unit 1223") until on or about July 31, 2019. Each apartment unit at The Social 2700 Student Spaces had an assigned locked mailbox, and the residents of each apartment unit were provided a key to the assigned mailbox.

3. Between on or about August 1, 2019, and on or about November 20, 2019, the defendant, **JOE NICHOLAS CATALA**, resided in A.H.'s previous apartment, Unit 1223. **CATALA** had access to the locked mailbox assigned to Unit 1223. Even after he vacated Unit 1223, **CATALA** frequently visited his

friends and former roommates with whom he resided at Unit 1223. **CATALA** had access to a mailbox key for Unit 1223 between on or about March 1, 2020, and on or about May 4, 2020, when one of the residents of Unit 1223 vacated and gave his mailbox key to **CATALA**.

4. Between on or about April 24, 2020, and on or about May 4, 2020, the United States Treasury mailed a Coronavirus Stimulus check, payable to A.H., to Unit 1223.

B. THE CHARGE

Between on or about April 1, 2019, and on or about May 2, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA,

and

did knowingly and willfully combine, conspire, confederate, and agree together and with other persons to commit offenses against the United States, namely:

1. execute and attempt to execute a scheme and artifice to defraud a federally insured financial institution, that is, ATFCU, BOA, BOH, BB&T, Discover, FRB, GBC, IFCU, Chase, TD Bank, and UMB, and to obtain moneys owned by and under the custody and control of such financial institutions, by

means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

2. to devise, and intend to devise, a scheme to defraud and for obtaining money and property by means of material false and fraudulent pretenses, representations, and promises, and to cause wire communications to be transmitted in interstate commerce for the purpose of executing such scheme, and this violation affected a financial institution, in violation of Title 18, United States Code, Section 1343.

C. MANNER AND MEANS

The manner and means by which this conspiracy was committed included the following:

1. **JOE NICHOLAS CATALA,** and used the Internet, text messaging, email, messaging apps, and the United States Mail to unlawfully obtain and share with each other and others the credit card and debit card numbers, bank account numbers, and personal identifying information (hereinafter "PII") that belonged to third parties without authorization.

2. **JOE NICHOLAS CATALA,** and communicated with each other and others by email, cell phone, text messaging, and messaging apps about how the scheme

would be executed and how they would share the proceeds of the scheme. For instance, shared a fraud instructional guide titled "Virtual Carding Handbook 2.0" with **CATALA. CATALA,** and used phone apps, including Telegram, to share bank identification numbers (hereinafter "BINs"), credit card and debit card numbers, and PII that belonged to third parties without authorization.

3. **JOE NICHOLAS CATALA,** and fraudulently transferred funds and attempted to transfer funds from accounts belonging to customers of ATFCU, BOA, BOH, BB&T, Discover, FRB, GBC, G1CU, IFCU, Chase, PPB, PNC, TD Bank, UMB, Wells Fargo, including those of K.F., D.F., D.L., M.R., S.E., S.R., S.P., R.D., N.N, and A.I. to accounts belonging to **CATALA,** and others using Zelle and the Internet.

4. **JOE NICHOLAS CATALA,** and used such fraudulently-obtained credit card and debit card numbers, bank account numbers, and PII, including those belonging to D.C., P.F., E.G., and A.C., to:

a. send the proceeds of the scheme to themselves and other individuals,

b. purchase merchandise and services from merchants such as OG Subs, Best Buy, and Walmart, and

c. make cash withdrawals at automated teller machines (hereinafter "ATMs").

5. **JOE NICHOLAS CATALA** fraudulently used the name, address, and BB&T debit card and credit card number of R.H. to purchase tickets to Busch Gardens theme park.

6. **JOE NICHOLAS CATALA** fraudulently used the name, address, and BB&T debit card and credit card number of L.P. to purchase tickets to Universal Studios theme park.

7. **JOE NICHOLAS CATALA** and fraudulently and unlawfully received and retained mail and identification that belonged to and was in the name of third parties at Unit 1223.

8. **JOE NICHOLAS CATALA** and fraudulently applied for a Discover credit card and fraudulently opened a BOA account using the PII of W.B. and a mailing address of Unit 1223.

9. **JOE NICHOLAS CATALA** made and caused to be made false and fraudulent representations in a Chase account application to open an account in the name of A.I., using A.I.'s social security number and date of birth. **CATALA**

used the falsely-opened Chase account to send funds via Zelle to

10. **JOE NICHOLAS CATALA** made and caused to be made false and fraudulent representations in a TD Bank account application to open an account in the name of A.H., using A.H.'s social security number and date of birth. **CATALA** used the falsely-opened TD Bank account to receive the proceeds of A.H.'s stolen Coronavirus Stimulus check. **CATALA** electronically transferred some of the proceeds of A.H.'s Coronavirus Stimulus check to

using Zelle.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO THROUGH TEN

A. INTRODUCTION

The allegations of Section A of Count One are hereby realleged and incorporated by reference as if fully set forth herein.

B. THE CHARGE

Between on or about April 1, 2019, and on or about May 2, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA,

and

did execute and attempt to execute a scheme and artifice to defraud a federally insured financial institution, that is, ATFCU, BOA, BOH, BB&T, Discover, FRB, GBC, G1CU, IFCU, Chase, PPB, PNC, TD Bank, UMB, Wells Fargo, and to obtain moneys owned by and under the custody and control of such financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

C. THE FRAUDULENT SCHEME

The allegations of Section C of Count One are hereby realleged and incorporated by reference as if fully set forth herein.

D. EXECUTION OF THE SCHEME

On or about the following dates, for the purpose of executing and attempting to execute the scheme to defraud, the defendants did knowingly and willfully commit the following acts:

COUNT	DATE	DEFENDANT(S)	ACT
TWO	May 26, 2019	JOE NICHOLAS CATALA	Causing a total of $300 to be transferred from the IFCU account of S.P. to the BB&T account belonging to Joe Nicholas Catala
THREE	May 26, 2019		Causing $200 to be transferred from the IFCU account of S.P. to the Chase account belonging to
FOUR	April 6, 2020	JOE NICHOLAS CATALA	Causing a Chase account to be opened in the name of, and using the social security number and date of birth of, A.I. without A.I.'s permission or knowledge

FIVE	April 15, 2020	JOE NICHOLAS CATALA and	Transferring and receiving the name, PPB debit card number, PPB debit card Card Verification Value ("CVV"), PPB debit card expiration date, address, and email address of D.C.
SIX	April 15, 2020	JOE NICHOLAS CATALA and	Transferring and receiving the name, FRB debit card number, FRB debit card CVV, FRB debit card expiration date, address, and email address of E.G.
SEVEN	April 15, 2020	JOE NICHOLAS CATALA and	Transferring and receiving the name, FRB debit card number, FRB debit card CVV, FRB debit card expiration date, address, and email address of P.F.
EIGHT	April 18, 2020	JOE NICHOLAS CATALA and	Causing a purchase at OG Subs in the amount of $33.59 to be made using the name, FRB debit card number, and FRB debit card CVV of E.G.
NINE	April 27, 2020	JOE NICHOLAS CATALA and	Transferring and receiving the name, FRB debit card number, FRB debit card CVV, FRB debit card expiration date, address, and email address of A.C.
TEN	May 1, 2020	JOE NICHOLAS CATALA	Causing a TD Bank account to be opened in the name of, and using the social security number and date of birth of, A.H., and causing a $1,200 Coronavirus Stimulus check made payable to A.H. to be deposited into said TD Bank account, without A.H.'s permission or knowledge

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT ELEVEN

On or about April 15, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card

CVV, debit card expiration date, and address of D.C. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT TWELVE

On or about April 15, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card CVV, debit card expiration date, address, and email address of E.G. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT THIRTEEN

On or about April 15, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card CVV, debit card expiration date, address, and phone number of P.F. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT FOURTEEN

On or about April 27, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, the name, debit card number, debit card CVV, debit card expiration date, address, phone number, and email address of A.C. with the intent to commit, to aid and abet, and in connection with, an unlawful activity that constitutes a violation of Federal law, to wit, bank fraud in violation of Title 18, United States Code, Section 1344, and such transfer, possession, and use occurred in and affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(2).

COUNT FIFTEEN

Between on or about April 24, 2020, and on or about May 4, 2020, in the Northern District of Florida, the defendant,

JOE NICHOLAS CATALA,

did knowingly steal and take, and attempt to steal and take, a letter, package, bag, and mail from and out of a letter box, mail receptacle, and authorized depository for mail matter.

In violation of Title 18, United States Code, Section 1708.

COUNT SIXTEEN

Between on or about April 24, 2020, and on or about May 4, 2020, in the Northern District of Florida and elsewhere, the defendant,

JOE NICHOLAS CATALA,

knowingly and with intent to defraud, did pass, utter, and publish, and attempt to pass, utter, and publish a $1,200 United States Treasury check, bearing the falsely made and forged endorsement of A.H.

In violation of Title 18, United States Code, Section 510(a)(2).

COUNT SEVENTEEN

Between on or about April 1, 2019, and on or about May 28, 2019, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: the name and bank account number of S.P. during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit: bank fraud as charged in Counts Two and Three of this Indictment.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT EIGHTEEN

Between on or about April 1, 2019, and on or about May 2, 2020, in the Northern District of Florida and elsewhere, the defendants,

JOE NICHOLAS CATALA
and

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: the name and bank account number of D.C., E.G., P.F., A.C. during and in relation to a felony violation enumerated in Title 18, United

States Code, Section 1028A(c), to wit: bank fraud as charged in Counts Five, Six, Seven, Eight, and Nine of this Indictment.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

COUNT NINETEEN

Between on or about April 6, 2020, and on or about May 4, 2020, in the Northern District of Florida and elsewhere, the defendant,

JOE NICHOLAS CATALA,

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit: the name, date of birth, drivers license number, and social security number of A.I. and A.H. during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit: bank fraud as charged in Counts Four and Ten of this Indictment.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

CRIMINAL FORFEITURE

The allegations contained in Counts One through Nineteen of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. From their engagement in the violations alleged in Counts One through Nineteen of this Indictment, the defendants,

JOE NICHOLAS CATALA,

and

shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(1) and 982(a)(2), and Title 28, United States Code, Section 2461(c), any and all of the defendants' right, title, and interest in any property, real and personal, constituting, and derived from, proceeds traceable to such offenses.

The property subject to forfeiture includes, but is not limited to, the following:

1. U.S. currency in the amount of $1,800.

2. An Apple iPhone 7 containing a serial number of F72C38G6HG6W.

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendants:

i. cannot be located upon the exercise of due diligence;

ii. has been transferred, sold to, or deposited with a third party;

iii. has been placed beyond the jurisdiction of this Court;

iv. has been substantially diminished in value; or

v. has been commingled with other property that cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c),

to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

A TRUE BILL:

Redacted

FOREPERSON

8/3/2021

DATE

JASON R. COODY
Acting United States Attorney

JUSTIN M. KEEN
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 2:21-MJ-00057-WM

UNITED STATES OF AMERICA,
Plaintiff.

vs.
JOE NICHOLAS CATALA,
Defendant
_____/

NOTICE OF APPEARANCE

COMES NOW, the Defendant, JOE NICHOLAS CATALA, by and through the undersigned counsel and hereby enters an appearance in the above-styled cause and further states that the undersigned will hereafter be responsible for all further proceedings necessary in the above-styled cause.

I HEREBY CERTIFY that a copy hereof has been furnished to The United States Attorney's Office for the Southern District of Florida, by CM ECF filing portal on August 13, 2021.

Respectfully submitted,

JEFF T. GORMAN LAW OFFICES

/s/ Jeff Gorman

_____
Jeff T. Gorman
Florida Bar No.: 538183
47 SE Ocean Boulevard
Stuart, Florida 34994
Phone: 772.220.4000
Facsimile: 772.220.4114

United States District Court
Southern District of Florida

U.S. MAGISTRATE JUDGE SHANIEK MAYNARD

Minute Order- Fort Pierce Division

No Interpreter Req'd

DEFT: JOE NICHOLAS CATALA (J) (Deft shall appear via Zoom w/St. Lucie County Jail)

CASE NO: 21-057-WM

AUSA: Diana Acosta and Justin Keen, ND/FL *present* **ATTORNEY:** Jeff Gorman (Retained) *present*

AGENT: U.S. Marshal Service **VIOL:** Removal to ND/Florida (Tallahassee)

PROCEEDING: Detention Hearing and Removal/Identity Hearing **BOND REC:** PTD **SET:**

SPECIAL CONDITIONS OF BOND

- X Surrender and/or do not obtain passports/travel documents to Pretrial Services
- X Rpt to PTS as directed /or_____ x's a week/month by phone; _____ x's a week/month in person
- X Random urine testing by Pretrial Services. _____Treatment as deemed necessary.
- X Participate in mental health assessment & treatment.
- X No contact with victims/witnesses.
- X No firearms
- X Deft and co-signature not to encumber property
- X Electronic Monitoring (Radio frequency) and Curfew: at home- 7:00 p.m. to 7:00 am; Paid by Pretrial
- X Travel extended to: ND/FL for court appearances only
- X Bond secured by parents' residence and both parents will sign bond form as co-signatures
- X Other:

  Reside at current address on bond form;
  No Violation of state, local or federal laws;
  No access to personal identification information;
  Mother, Edna Catala, third party custodian;
  No contact with co-defendants and travel restricted to SD/FL unless ordered to appear for court in ND/FL.

Deft present with retained counsel Jeff Gorman, Esquire using Zoom platform from St. Lucie County Jail

Court explains rights to appear in person for all criminal proceedings - however due to COVID-19 pandemic, Deft may waive such right..Court finds Deft knowingly and voluntarily waives his right to appear in person and hereby consents to appearance by use of video teleconferencing for the following criminal proceeding: All Removal proceedings under the Federal Rules of Criminal Procedures, Rule 5(c)3

Government's counsels, Defense counsel, Government witness, Deft's witness-mother Edna Catala, USPO Claire Spille are all present using Zoom platform

Court reviews Waiver of Removal form signed by Defense counsel via Zoom shared screen function (Deft will permit retained counsel to affix signature of approval- person named on Indictment ND/FL)

Detention Hearing held (Govt proceeds - Deft a risk of flight):
-Detective Gerard Harrington sworn and testimony taken by Government and Defense counsel
-Deft's witness Edna Catala (mother) sworn and testimony taken by Defense
-After Court hears argument, bond set $150,000 Personal Surety bond co-signed by both parents and mother Edna Catala third party custodian and parents' residence secured as collateral for bond

Deft ordered to appear in USDC ND/FL (Tallahassee) on or before Thurs.8/19/21 at 1:30 p.m. Note: after release from St. Lucie County Jail, Deft will appear Clerk's Office on 8/18/21 at 9:00 a.m. to co-sign bond form and parents will have until 4:30 p.m.

DISPOSITION: PTDHrngheld;Bondset

DATE: 8/17/2021 START TIME: 10:00 A.M. Time in Court: 60 Minutes Zoom recording @ START: 10.04 END: 11.04

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SD/FL CASE NO: 21-057-SM
Case No Other District: 4:21cr36-ACW ND/FL (Tallahassee)

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOE NICHOLAS CATALA,

Defendant.
_____/

FILED BY CGA D.C.
Aug 18, 2021
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Fort Pierce

WAIVER OF REMOVAL HEARING

I, **JOE NICHOLAS CATALA**, charged in above referenced criminal proceeding pending in the Northern District of Florida and having been arrested in the Southern District of Florida and taken before the **Honorable Shaniek M. Maynard**, a United States Magistrate Judge for that District, who informed me of the charge(s) and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, I do hereby waive a hearing before the aforementioned Magistrate Judge and consent to the issuance of a Warrant or an Order for my removal to the Northern District of Florida where the charge(s) are pending against me.

/s/ Joe Nicholas Catala
Joe Nicholas Catala
Signature of Defendant

Jeff Gorman
Signature of Defense counsel
(Witness)

DONE AND ORDERED at the Federal Courthouse located in Fort Pierce, Florida this 18th day of August, 2021.

SHANIEK M. MAYNARD
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 2:21-MJ-00057-WM

UNITED STATES OF AMERICA,
Plaintiff.

Vs.

JOE NICHOLAS CATALA,
Defendant.
_____/

MOTION FOR RECONSIDERATION

The Defendant, JOE NICHOLAS CATALA, hereby files his Motion for Reconsideration of the Court's Order dated August 17, 2021, and in support thereof states as follows:

1. On August 17, 2021, the Defendant appeared before this Honorable Court for a Detention Hearing and Removal/Identification Hearing.

2. The Court issued an order on August 17, 2021, setting bond with certain special conditions.

3. Special condition ten (10) requires the Defendant's bond be secured by the parents' residence.

4. The Defendant's parents have minor children residing in their home.

5. Should bond in this cause be forfeited due to unforeseen circumstances, there is a risk that the parents could lose this residence leaving the minor children without a stable place to live.

6. The Defendant requests this Honorable Court reconsider the tenth (10^{th}) special condition of bond requiring the Defendant's bond be secured by the parents' residence.

7. Motions for Reconsideration are permitted in criminal cases and are governed by Rules 59(e) and 60(b) of the Federal Rules of Civil Procedure and may be filed in criminal cases. *See United States v. Fiorelli*, 337 F.3d 282, 288 (3^{rd} Cir. 2003) ("As noted by the Second and Ninth Circuits, motions for reconsideration may be filed in criminal cases"); United States v. Martin, 226

F.3d 1042, 1047 n.7 (9th Cir. 2000) ("As the Second Circuit noted . . ., post-judgment motion for reconsideration may be filed in criminal cases"); United States v. Mendez, (2008 WL 2561962, at *1 ("Motions for reconsideration in criminal cases are governed by the rules that govern equivalent motions in civil proceedings."); Hector, 368 F. Supp. 2d at 1063 (analyzing a reconsideration motion as a Rule 59(e) motion).

WHEREFORE, the Defendant respectfully requests the Court reconsider the imposition of special condition ten (10) of the bond requirements and for such further and other relief this Court deems just and proper.

Respectfully submitted,

JEFF T. GORMAN LAW OFFICES

/s/ Jeff Gorman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to The United States Attorney's Office for the Southern District of Florida via the CM ECF filing portal on August 19, 2021.

JEFF T. GORMAN LAW OFFICES

/s/ Jeff Gorman

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-mj-00057-SMM

UNITED STATES OF AMERICA

Plaintiff,

vs.

JOE NICHOLAS CATALA,

Defendant.

MOTION FOR RECONSIDERATION

The United States of America, by and through the undersigned, responds in opposition to the Defendant's Motion for Reconsideration pursuant to the Court's order entered on August 20, 2021 (DE 6, 7). In support thereof, the Government states the following:

1. On August 12, 2021, the Defendant made his initial appearance (DE 2). At that time, the Government moved for his pretrial detention as a risk of flight, and a hearing was scheduled for August 17, 2021. The Defendant was temporarily detained pending the resolution of the detention hearing.

2. On August 17, 2021, this Court conducted a thorough hearing concerning the defendant's pretrial detention. The Defendant is charged in the Northern District of Florida with conspiracy to commit bank and wire fraud, seven substantive counts of bank fraud, four counts of fraud in connection with identification documents, one count of theft of mail, one count of fraudulent endorsement of a treasury check and two counts of aggravated identity theft. As noted by the Court during the hearing, the pending indictment sets out a strong case against the Defendant. At a minimum, the Defendant is facing a mandatory 2-year term of imprisonment if

convicted as charged in the pending indictment.

3. The Government sought pretrial detention based on risk of flight as a result of the Defendant engaging in a dangerous high speed car chase in a residential neighborhood while fleeing and attempting to elude law enforcement prior to his federal arrest. As presented at the hearing, the Defendant was on misdemeanor probation for reckless driving at the time of his arrest and was driving while his license was suspended. In addition, a small amount of marijuana was found in the 2018 Mercedes sedan that the Defendant drove and then abandoned in the roadway in front of his residence as he attempted to escape on foot. A vehicle that neither the Defendant nor his parents owned. The Defendant admitted to Pre-Trial Services that he was smoking marijuana on a daily basis while on probation and living with his parents. The Government submits that the United States established by a preponderance of the evidence that this Defendant is a flight risk. *See United States v. Medina,* 775 F.2d 1398, 1402 (11th Cir. 1985).

4. This Court found that there were conditions or combinations of conditions that could ensure the appearance of the Defendant at trial. One of the key conditions was setting a $150,000 personal surety bond to be co-signed by his mother Edna Catala and his stepfather. This stringent condition was imposed to ensure the Defendant's appearance in the Northern District of Florida by placing the onus on both the Defendant and his parents. Without this condition, there is no real incentive for the Defendant to appear or comply with the conditions of bond.

5. After the Defendant's detention hearing, the state issued an arrest warrant for the Defendant for violating his misdemeanor probation in case no. 21-000228-CT. The warrant was issued with no bond.

6. On August 20, 2021, arrest warrants were issued for the Defendant for high speed or wanton fleeing (second degree felony), resisting an officer without violence (misdemeanor) and driving with a suspended license (misdemeanor) in case no. 21-002059-CF. The total bond is set at $12,000.

7. The Defense asks this Court to reconsider the imposition of this condition based on the parents' concern that "due to unforeseen circumstances" there is a risk that the parents could lose their residence. The unforeseen circumstance is the realistic concern that the Defendant will not appear or comply with the conditions of his bond and that they do not believe that they can guarantee his appearance or compliance. This is a realistic concern as demonstrated by the Defendant failure to comply with the conditions of his misdemeanor probation while living at home and working for stepfather.

8. The Government is not unsympathetic, but without this condition there is no reasonable way to assure the appearance of this Defendant in the Northern District of Florida. For all these reasons, the Government opposes the Defendant's motion for reconsideration.

Respectfully submitted,

JUAN ANTONIO GONZALEZ
ACTING UNITED STATES ATTORNEY

By: s/*Diana M. Acosta*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 23, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/Diana M. Acosta
DIANA M. ACOSTA
Assistant United States Attorney

SERVICE LIST

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Method of Service: CM/ECF

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v. **Case No. 4:21-cr-36-AW-MAF**

JOE NICHOLAS CATALA,

Defendant.

_____/

ORDER STAYING ORDER OF RELEASE

This order follows today's telephonic hearing. The government's motion for expedited review and stay (ECF No. 27) is GRANTED. The order granting pretrial release, issued by the Southern District of Florida Magistrate Judge (Case No. 2:21-mj-57-WM (Doc. 4)), is STAYED pending further review pursuant to 18 U.S.C. § 3145.

As reported in the motion and at the hearing, a writ has issued, and the Defendant will be transported to this district after he is taken into custody from the state facility. When he arrives, the government must promptly file a notice, and the court will set a hearing to determine if the release order should be revoked.

In the meantime, the United States Marshals Service will retain custody of the Defendant.

SO ORDERED on August 30, 2021.

s/ *Allen Winsor*
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO: 21-057-WM
Case No. Other District: 4:21cr36-ACW ND/Florida

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOE NICHOLAS CATALA
Defendant.
_____/

ORDER OF REMOVAL

A(n)
- □ Complaint
- X Indictment
- □ Information
- □ Supervised Release Violation Warrant
- □ Bench Warrant

having been filed in the Northern District of Florida, charging the above named Defendant with conspiracy to commit bank and wire fraud in violation of 18 U.S.C. § 1349; bank fraud in violation of 18 U.S.C. § 1344; fraud in connection with identification documents in violation of 18 U.S.C. § 1028(a)(7); theft of mail in violation of 18 U.S.C. § 1708; fraudulent endorsement of treasury check in violation of 18 U.S.C. § 510(a)(2); and aggravated identify theft in violation of 18 U.S.C. § 1028A, and the defendant having

□ **surrendered** **X been arrested**

in the Southern District of Florida, having had an initial appearance before the Court and having:

X waived further hearing □ **been given a hearing in accordance with Fed.R.Crim.P.5(c).**

It is thereupon,

ORDERED AND ADJUDGED as follows:

1. The defendant is held to answer in the District in which the charge is outstanding and shall appear before the District Court thereof at such time and place as may be ordered; and,

2. All funds and documents filed with the Clerk of Court in this case shall be transferred to the district where the charge is outstanding.

DONE AND ORDERED at Fort Pierce, Florida this 10th day of September, 2021.

Shaniek Maynard

SHANIEK M. MAYNARD
UNITED STATES MAGISTRATE JUDGE

cc: U.S. Marshal Service, Defense counsel and United States Attorney's Office