

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8-21-cr-348-SCB-SPF

JEREMY BROWN

**UNITED STATES' *UNOPPOSED* MOTION TO CONTINUE
EVIDENTIARY HEARING**

The United States of America respectfully requests that the Court continue the March 1 evidentiary hearing on the pending order to show cause. The Defendant consents to the relief sought herein.

MEMORANDUM

On January 3, 2022, the United States filed an Emergency Motion to Prevent Dissipation of Assets Reserved for CJA Reimbursement under 18 U.S.C. § 3006A(f) based on the availability of funds that the Defendant has raised through the crowdfunding website, GiveSendGo. *See* Doc. 80.

The Court subsequently held a hearing on the motion on January 5, during which the Court granted the Defendant's request for a two-week continuance, and ordered that, pursuant to the parties' stipulation, no funds would be dispersed from the crowdfunding account referenced in the government's papers until the motion was resolved. *See* Doc. 84.

During the hearing on January 19, 2022, the Court found that the Defendant's funds via GiveSendGo are available for payment on behalf of him for his legal

defense and ordered that the Defendant place the amount of \$12,300 from the GiveSendGo account into the Court's registry. *See* Doc. 93.

On January 24, 2022, the Court entered a written order granting in part and denying in part the United States' motion. *See* Doc. 97. That order, among other things, directed the Defendant to deposit \$12,300 into the Court registry by no later than January 31, 2022. *Id.* The Defendant did not make the deposit by the deadline, nor did he file any papers with the Court explaining why he would not be complying with the Court's order.

On February 2, 2022, the Court entered an endorsed order for the Defendant to show cause why he should not be held in contempt for failure to comply with the Court's January 24 order. Doc. 100.

On February 8, 2022, the Defendant filed a response to the order to show cause. *See* Doc. 103.

On February 11, 2022, the Court held a status conference during which the Court found that the Defendant's response failed to adequately address the order to show cause. *See* Tr. 3. The Court accordingly ordered an evidentiary hearing on the matter and offered guidance as to what information the Court would be interested in reviewing at the hearing, including records from GiveSendGo. *Id.* at 5, 9. Based on the availability of the parties and the Court, and allowing time for the parties to serve subpoenas, the Court set the evidentiary hearing for March 1, 2022, at 10:00 a.m.

On February 14, 2022, the United States served a subpoena via Federal

Express Overnight mail for documents on GiveSendGo.¹ The subpoena commanded that GiveSendGo appear at the March 1 hearing with the requested documents. The attachment to the subpoena, however, stated that in lieu of personal appearance, GiveSendGo may produce the requested documents to the government by February 25, 2022.

Over the next 10 days, federal agents attempted to contact GiveSendGo personnel by email, telephone, and in person to confirm that the subpoena had been received and that GiveSendGo would be timely complying with the request. Despite these diligent efforts, GiveSendGo did not respond to the agents. At the time of this filing, the United States has no indication that GiveSendGo will be appearing at the March 1 hearing as required by the subpoena.

The United States also has served subpoenas on banks and other financial entities—some, but not all, of which already have responded to the subpoenas in lieu of personal appearance—and on three witnesses whom the United States believes possess relevant records and testimony for the Court’s consideration; one of those witnesses resides outside of Florida.

¹ GiveSendGo’s website states: “All subpoenas must be properly served on GiveSendGo, preferably by mailing the subpoena to GiveSendGo LLC, our Delaware registered agent. Please find below the Delaware address for GiveSendGo LLC:

GiveSendGo LLC
ATTN: GSG Subpoena
8 The Green, STE A
Dover, DE 19901

If you have a subpoena to serve on GiveSendGo LLC, please note that GiveSendGo does not accept service via e-mail or fax and will not respond to the subpoena.”

Based on the status of the outstanding subpoena to GiveSendGo, and in order to avoid a piecemeal evidentiary hearing, there is good cause to continue the hearing on March 1. Assuming that responsive records exist, information that GiveSendGo would provide, including how the fundraising campaign was set up and where or to whom the funds were transferred, is central to the Court's inquiry. If a continuance is granted, the United States will continue to diligently pursue the subpoena to GiveSendGo and update the Court and the Defendant accordingly.

The United States, therefore, requests that the Court continue the March 1 hearing to a date no earlier than March 21, or March 25, 2022. Defense counsel will be in a date certain trial before Judge Honeywell the week of March 7 in *United States v. Luis Angulo Leones, et al.*, Case No. 8:20-cr-138-CEH-JSS. Additionally, the undersigned will be in mandatory, all day training the week of March 14. If the Court's calendar permits a hearing the week of March 21, the United States respectfully requests that it take place either on March 21 or March 25, based on the availability of co-counsel.

CONCLUSION

For the foregoing reasons, the United States respectfully requests that the Court continue the March 1 evidentiary hearing to a date no earlier than March 21, or March 25.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

William Sansone, Esq.

/s/ Risha Asokan

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