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Acting Under Authority
Conferred by 28 U.S.C. § 515
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MORAD MARCO GARMO (1),
GIOVANNI VINCENZO TILOTTA (3),
aka "Gio Tilotta,"
WAIEL YOUSIF ANTON (5),
aka "Will Anton,"

Defendants.

Case No.: 19-CR-4768-GPC

Date: January 10, 2020

Time: 10:30 a.m.

Honorable Gonzalo P. Curiel

**RESPONSE IN OPPOSITION TO
DEFENDANT'S TILOTTA'S MOTION
FOR DISCOVERY**

**TO: Kevin McDermott, Attorney for Defendant MORAD MARCO GARMO (1);
Jeremy Warren, Attorney for Defendant GIOVANNI VINCENZO
TILOTTA (3); and Eugene Iredale, Attorney for Defendant WAIEL
YOUSIF ANTON (5) .**

The UNITED STATES OF AMERICA, by and through its counsel, PETER J. MAZZA, Attorney for the United States Acting Under Authority Conferred by 28 U.S.C. § 515, and Nicholas W. Pilchak and Andrew R. Haden, Assistant U.S. Attorneys, hereby files its Response in Opposition to Defendant's Motion.

I.

STATEMENT OF THE CASE

On November 21, 2019, a federal grand jury in the Southern District of California returned a 23-count indictment charging five defendants with firearms and drug trafficking offenses. Defendants Morad Marco Garmo and Waiel Yousif Anton were arraigned on the indictment on November 22, 2019 and Defendant Giovanni Vincenzo Tilotta was arraigned on November 25, 2019. All three entered not guilty pleas. The remaining defendants entered guilty pleas to Count 1 of the indictment on November 22, 2019.

Tilotta filed the instant motion for discovery and for leave to file further motions on January 2, 2020, and Garmo joined the motion the same day. This Response follows.

II.

STATEMENT OF FACTS

Former Sheriff's Captain M. Marco Garmo has engaged in the business of dealing in firearms without a license for years.¹ In particular, he specialized in obtaining "off-roster" handguns by falsely claiming to be their true buyer while intending to furnish them to private citizens prohibited by California law from directly obtaining the weapons themselves. Licensed firearm dealer Giovanni Tilotta assisted this endeavor by knowingly processing straw purchases for Garmo and his co-defendant Leo Hamel, and by circumventing other firearms laws in special transactions for Garmo and his close associates. Waiel Anton assisted Garmo's unlicensed business by helping Garmo's customers to short-circuit the usual wait time for Sheriff's Department-issued permits to carry a concealed weapon ("CCW"), by leveraging his own special relationship with a licensing clerk to whom he had made an unlawful cash payment.

¹ This is a summary statement of facts for purposes of this Response only. The United States reserves the right to supplement it at a later time.

Anton also sought to obstruct justice by repeatedly urging one of his CCW “clients” to lie to federal agents if he were contacted as part of this investigation.

Garmo also assisted in the distribution of marijuana by providing advance warning to an unlicensed marijuana dispensary operated by his cousin and others, based on information he had received that the Sheriff’s Department planned to search the dispensary the following day. Weeks later, when the same dispensary was posted with a cease and desist letter by San Diego County authorities, Garmo reached out to his acquaintance at the County to ask whether they could “push back” the enforcement action against the dispensary.

III.

MEMORANDUM OF POINTS AND AUTHORITIES

As of the date of this Response, the United States has produced extensive discovery, totaling approximately 59,117 pages, including reports, photographs, financial records, telephone records, firearms transaction records, and search warrant pleadings. Defendants have received copies of any statements they made to law enforcement, and summaries of their criminal histories or lack thereof. The United States has also produced almost 100 audio and over three dozen video recordings collected during the investigation, as well thousands of emails from a warrant search of Garmo’s personal email account.

The United States will shortly produce the results of warrant searches of a variety of digital devices, including computers and cellular telephones seized from the defendants.

The United States will continue to comply with its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), the Jencks Act, 18 U.S.C. § 3500 et. seq., and Federal Rule of Criminal Procedure 16, Fed. R. Crim. P. 16. The United States has received no reciprocal discovery as of the date of this Response and will file separately a Motion for Reciprocal Discovery. The United States is in dialogue with counsel for all remaining defendants about the status and timing of discovery. In particular, it notes

1 that Defendant's motion requests preservation of an array of evidence, much of which
2 was not collected in this case. The United States urges defense counsel to contact it
3 promptly with any specific concerns with preservation concerns related to any particular
4 piece of evidence.

5 In view of the position of the United States concerning discovery, the United
6 States respectfully requests that the Court not issue any orders compelling specific
7 discovery from the United States at this time.

8 IV.

9 **CONCLUSION**

10 For the reasons stated above, the United States respectfully requests that this
11 Court deny Defendant's Motion.

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13 DATED: January 8, 2020

14
15 PETER J. MAZZA
16 Attorney for the United States
17 Acting Under Authority
18 Conferred by 28 U.S.C. § 515

19 /s/ Nicholas W. Pilchak
20 NICHOLAS W. PILCHAK
21 Assistant United States Attorney

22 /s/ Andrew R. Haden
23 ANDREW R. HADEN
24 Assistant United States Attorney