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4 Conferred by 28 U.S.C. § 515  
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15  
16 **UNITED STATES DISTRICT COURT**  
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 GIOVANNI VINCENZO TILOTTA (3),  
22 aka “Gio Tilotta”

23 Defendant.

Case No.: 19-CR-4768-GPC

Date: March 3, 2022

Time: 9:30 a.m.

Honorable Gonzalo P. Curiel

**SUPPLEMENTAL NOTICE  
REGARDING PROFFER  
AGREEMENT**

24 At trial, the United States submitted to chambers a copy of the proffer agreement  
25 for Defendant Giovanni Tilotta’s March 12, 2019 proffer with the United States,  
26 copying the defense, together with the report memorializing that interview. Tr. 1332:2–  
27 1336:3. Neither the report nor the proffer agreement were ever filed or otherwise  
28 officially made a part of the record, however.

In his sentencing papers, Tilotta notes that he participated in this “lengthy  
interview,” and adds that afterwards he “was commended for his honesty.” ECF 397 at  
7. The United States does not endorse the implication that Tilotta’s statements at the  
proffer interview were completely candid and transparent. At the same time, the United

States does not wish to risk appearing to use Tilotta's statements against him at sentencing in a manner inconsistent with the terms of the parties' proffer agreement.

Regardless, the parties should complete the record by including a copy of the report documenting Tilotta's statements. A copy of the proffer agreement is attached hereto. Out of an abundance of caution, however, the United States does not intend to file a copy of the report until after the Court imposes sentence.

DATED: March 1, 2023

CINDY M. CIPRIANI  
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Acting Under Authority  
Conferred by 28 U.S.C. § 515

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

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



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March 12, 2019

1. Through my attorney, I have agreed to a proffer meeting with the U.S. Attorney's Office and agents to determine if I can provide reliable cooperation. I understand that this meeting will not involve plea discussions and is not being held in the course of plea discussions. I am not entitled to any benefit—including a reduction in sentence or favorable sentencing recommendation—for proffering. Whether I am permitted to cooperate or will receive a benefit for cooperating will be determined by the United States in its sole discretion after my proffer.

2. The United States will not offer in evidence in its case-in-chief, or in connection with any sentencing proceeding to determine an appropriate sentence, any statements I make during the proffer. The United States may, however, use my proffer statements to pursue leads and find other evidence. This other evidence may be used to prosecute me for any offense.

3. The following are the only exceptions to the first sentence in paragraph 2:

a. If I knowingly lie to federal agents, commit perjury, or otherwise obstruct justice during or after the proffer, the United States may prosecute me for those offenses and may use my proffer statements during any stage of those proceedings, including its case-in-chief.

b. The United States may use my proffer statements, and any evidence derived from my proffer statements, to (1) cross examine me if I ever testify, and (2) refute evidence, arguments, statements, and/or representations offered or elicited by me or on my behalf at a trial, sentencing, or any other proceeding.

c. If at any time the court asks the United States a direct question about information I disclosed in the proffer, the United States must truthfully answer the question. The answer shall not constitute a breach of this or any other agreement between the parties.

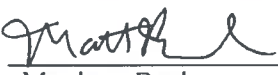
d. If the United States recommends a lesser sentence based on my assistance, the United States may disclose my proffer statements to the court in support of its motion.

4. This agreement applies only to my proffer statements. It does not apply to any statements I previously made or make at any other time. These are the only promises and understandings I have agreed to for this proffer. No other promises or understandings will be agreed to unless in writing and signed by all parties. I understand these rules. I have not been threatened or forced by anyone to proffer.

  
Giovanni Vincenzo Tilotta

  
Jeremy Warren  
Attorney

  
Nicholas W. Pilchak  
Assistant U.S. Attorney

  
Matthew Beals  
Witness to signatures