

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 18-80179-CR-COHN/MATTHEWMAN

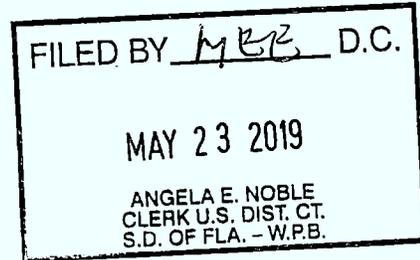
UNITED STATES OF AMERICA

Plaintiff,

vs.

ANTHONY D'AMICO

Defendant



LETTER FOR THE REVIEW OF JUDGE COHN

Dear Judge Cohn,

My name is Anthony D'Amico, you are presiding over my case with sentencing set for 5/29/18. I am writing because I have sent notice to my attorney Michelle Suskauer to remove herself as my attorney due to her misguiding me legally, having another individual whom is no longer a licensed attorney handle every aspect of my case, and in no way helping defend myself or my interests. I know that the decision is yours so I feel it is important that you have all of the facts for review when making this decision as it is incredibly important to myself and I believe to the sanctity of the court.

Most important and that which I will review further, Mrs. Suskauer was retained as my attorney but every aspect of my case was handled by John Garcia as per Mrs. Suskauer's direction, I am now aware that Mr. Garcia is disbarred attorney and convicted felon.

I have only met Ms. Suskauer twice, for about 10 - 15 minutes total during the beginning of the case, once in office and once out of office, and then again on Wednesday 4/24/19, and 5/20/19, she was only present for a few minutes at the latter meetings, left abruptly and requested that Mr. Garcia handle everything. Mrs. Suskauer and I have never spoken on the

phone and never reviewed my full case together. When I retained Ms. Suskaeur I was instructed to hire and pay additional money, \$10,000, directly to a man named John Garcia whom was defined as the firms federal court specialist, he has handled every aspect of my case since then, has completely misguided me, and the worst part, I have now found out he is a disbarred attorney that was convicted in federal court. He works out of a law office where I met him, has an attorney website and his business card seems to be that of an attorney, how was I to know what was occurring. When I came into court for my plea agreement Mr. Garcia was there in the courtroom acting as if he was an attorney, sitting to the right of me at the table, along with another attorney I had never met prior. Mrs. Suskaur didn't attend, which was not surprising to me because she was not part of my defense, I assumed the other attorney was there only because she was supposed to be present. Mr. Garcia has been my main point of contact, all of my email correspondence regarding the case, and meetings have been with him. In regard to the plea, I have a direct email where Mr. Garcia informs me that the loss amount was going to be minimal, even though I have provided a plethora of evidence showing my innocence and felt I was a victim, he informed me that the minimal amount could be disputed and it was better to take a plea and move right on with my life rather than fight the case. I was very reluctant but went with his advice, and ultimately his advice was completely false. That should not be allowed.

When another attorney came into the plea hearing that was a red flag for me because I did not understand why if Ms. Suskauer wasn't in court then another attorney had to stand in along with Mr. Garcia but I assumed it was procedural. Mr. Garcia sent me confirmation via email, Exhibit A., that stated my potential sentence was going to be significantly less than the PSI states and the loss would be significantly less. I have all of our correspondence via email, over 100 emails, and none with Ms. Suskauer as she did not work with me in any matter for the case, aside from her responding only when I addressed how upset I was because of what was happening to me in regard to my counsel, and it's clear she has taken the stance of protecting her position because I am not willing to stand idly and let my future be taken away because of bad counsel. In the correspondence with Mr. Garcia it's clear I was not given effective counsel.

Mr. Garcia even handled phone calls with the government and federal probation on my behalf. Aside from misguiding me in regard to the plea, I had informed Mr. Garcia that the factual proffer was not accurate, there are clients listed as the complaintants clients and I have deposition from the civil trial confirming that's false, Mr. Garcia informed me that it was to my benefit for the factual proffer to not be accurate as the prosecution would have to show proof and since it does not exist that would ensure me taking a plea was the correct step. I have learned that is not true, I was just being misguided and that is not how the legal system should work when you seek out an attorney and they agree to work on ensuring your best interests. I have presented a preponderance of evidence to Mr. Garcia showing my innocence and asking for help, yet nothing has been done to help me. I was just told that it was being worked on. I was not even provided with the discovery in the case to review until after the plea, I have emails confirming this, and once I was given the discovery I had to meet with Mr. Garcia to explain it. I informed him that it mirrored the civil case and showed him areas that were false, areas where the prosecution was being misled, excel files that I know were manually edited prior to being provided to the prosecution, and so on. Again I was told that would be worked on, and nothing came of it, but why was I not given any discovery earlier, nothing with my counsel makes any sense.

Just the other day when I finally received a response from Mrs. Suskauer due to my outrage over being duped into taking a plea and lied to along the way, and having an attorney that truly has no grasp on the case, she emailed me because I stated that what was done to me was not professional and in my view a breach of ethics, she informed me that if I rescind my plea because of what occurred then it won't be granted and in turn I will receive a maximum sentence, that's a scare tactic because the goal is to not let it known that since she had a position with the Florida Bar outside of her practice she allowed a disbarred attorney to oversee a case. I am the victim of a disbarred and federally convicted former attorney giving me false advice and scare tactics, and Mrs. Suskauer was simply out of the loop.

I truly believe I should have had a licensed attorney working on this for me, I paid the firm a significant amount and then paid Mr. Garcia as well. I have never admitted any guilt to Mr. Garcia, just asked for help in asserting my innocence, the choices I made were based on mistruths, everything we discussed is not privileged, which is Ok because I have just been showing him why I didn't do anything wrong, but in terms of the legal process that should not be a situation one finds themselves in after retaining an attorney.

My assets are not substantial due to paying attorney fees, I can ask family to assist in acquiring another private attorney, but even if I was with a public defender, whom informed me that they can not speak to me yet with Mrs. Suskaeur listed as my counsel, I would have the ability to have my case heard in the correct matter, with true counsel helping me, reviewing everything I have presented in regard to me being a victim in this situation, and not misinform me when I know my stance, which I have been pleading for to Mr. Garcia, I can't plead to Michelle Suskaeur as I don't even have a direct phone # for her and I know she does not even has a full grasp of the information in the case. If I were to list 5 marketing terms that are basic information which would be key to understanding the case, Mrs. Suskaeur would not be able to define them, yet she's supposed to defend me at a sentencing, which in itself is based on a plea I agreed to based on false information.

I am not an attorney, just a god fearing, educated, hard working man that is the step father to two young girls and I have a baby son on the way, I put my trust in my counsel and was under the impression Mr. Garcia was an attorney that was supposed to help me, which has not been the case. In my last meeting with him he literally stated, "I don't understand how you were even charged with a crime", which was always my feeling, so I felt my lawyer was going to protect me and make the truth known. That statement was followed by him asking me how to present everything in court for people to understand, after all of this time and me reviewing everything over and over, I am still being asked to help my counsel understand the case, and he's not even an actual attorney.

My counsel has been very ineffective, I have been put into a situation with no real guidance and I beg you to allow me the opportunity to have different counsel and fight the allegations against me as that was what I have wanted this entire time. If you review the correspondence with Mr. Garcia you will see that what I was told in order to persuade me to agree to a plea was not accurate, I was misguided and my actual attorney was not involved, knowing I have a baby on the way and that I did not want to spend time away from my family, they chose to give me false information to just move this along without me divulging what was happening, just providing me with information that is not accurate. If Mrs. Suskauer was asked to go over the details of the case, discovery, my responses to the allegations, any specific information regarding the marketing details, etc., she would not be able to answer because she has not had that level of involvement.

I apologize for not coming sooner but Mr. Garcia has been telling me that it would be ok, that the plea was going to be something different than actually occurred, I have proof he prepared any documents on my behalf that were given to the court, and when I found out that the facts he put forth were not factual, I addressed it and the documents were still submitted, Mrs. Suskaeur approving the submission of the documents with no idea as to them not being legitimate. For example, see Exhibit F., the PSI Objections, I am providing an email chain where Mr. Garcia sends the objections he prepared to Kelly Camburn, legal secretary for Mrs. Suskaeur, Mr. Garcia states that I have not reviewed or approved them. When they were sent to me I informed Mr. Garcia that he had false information, I sent him a report of everything that was false and not addressed, it was still submitted on that same day, even though Mr. Garcia and I were corresponding for an additional three days regarding the facts that needed to be corrected.

I beg you to allow me to have Mrs. Suskaeur removed and in the name of justice let me acquire another attorney so I can have a true defense, that's all I've wanted. Because I have been dealing with the complainant in a civil case I was able to provide Mr. Garcia endless amounts of information showing issues with the case against me, I even provided transcripts from the civil

case where the complaintant contradicts statements made to the FBI, I kept acquiring more information this entire time and providing it to Mr. Garcia, I don't know why my attorney never addressed this, I was just told it would be addressed and then nothing ever happened, along with so many other issues I have asked them to address but Mr. Garcia nor Mrs. Suskaeur have followed up on anything. Ultimately, I was misguided, I don't know why this occurred, it is an ethical issue, making it not plausible for Mrs. Suskaeur to defend me in my best interests, that's in addition to the fact that Mrs. Suskaeur has not done so thus far. Aside from the documents I have provided I have many more, all outlining that Mr. Garcia was the only person counseling me, that his counsel was not aligned with my best interests, he displayed a lack of understanding the legal process, and included outright lies in regard to the legal outcome of various parts of the case. I am including items to assist in your decision, I have much more that I can present, including over 100 emails with Mr. Garcia, they show that my position was not represented and I was completely misguided.

I await your decision, I know this is not standard practice but I don't have an effective attorney to assist me and I know that this is not how a defense should be handled. My current attorney is not an individual with whom I have reviewed the case in any detail, I don't feel that Mrs. Suskaeur has the ability to argue any parts of the case and that feeling is based on me not reviewing anything with her, it would not be fair by any measure to have to come into court with Mrs. Suskaeur in charge of defending me.

I have included the following items for your review:

Exhibit A: Email correspondence that gives me false information regarding the plea.

Exhibit B: The status of Mr. Garcia who has been my lead legal counsel.

Exhibit C: Business card of John Garcia, I received it when I paid him directly at the bequest of my listed counsel.

Exhibit D: Correspondence showing Mr. Garcia guided and attended my meeting with federal probation regarding the PSI.

Exhibit E: Correspondence with Mr. Garcia, one of many, where I am reviewing issues and my position regarding the case.

Exhibit F: Correspondence where documents were prepared by Mr. Garcia, and submitted to the court without my approval, while I was reviewing the issues with Mr. Garcia, showing an obvious basis of miscommunication.

Exhibit G: Screen shots of emails between myself and Mr. Garcia, I have an additional 8 pages totaling over 100 emails. He was the only person I had to review my case and direct me.

Respectfully Submitted,
Anthony D'Amico
22145 Cressmont Place
Boca Raton, FL 33428
(561) 332-7435

By: Anthony D'Amico

A handwritten signature in black ink, appearing to read 'Anthony D'Amico', written in a cursive style.