

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO: 2:20-cr-114-FtM-66MRM

CASEY DAVID CROWTHER

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Status Conference via Zoom Video Conference

Presiding Judge:	United States District Judge John L. Badalamenti
Counsel for Plaintiff(s):	Trenton Reichling
Counsel for Defendant(s):	Nicole Hughes Waid/Brian Dickerson
Date:	December 14, 2020
Deputy Clerk:	Shelley Giauque
Court Reporter:	Tracey Aurelio
Interpreter:	n/a

Start Time: 1:43 PM

Court calls case. Counsel enter appearances.

Defendant filed response over the weekend. Defendant does not believe that the plea agreement made by the government was a reasonable plea offer. They are prepared to go to trial in January.

Mr. Reichling advises the court that the witnesses are from out of state. The witnesses have expressed their concerns about getting on an airplane and traveling to Fort Myers during a pandemic. The witness from the SBA is not available the entire month of January. Mr. Reichling has explored the possibility of finding an SBA witness that is closer to the Fort Myers area. The closest witness is from Atlanta, and that individual has pre-existing conditions and would not feel comfortable traveling.

The defendants will not be calling an expert witness, since the government is calling an SBA witness. Mr. Reichling also notes that the defendant has not provided discovery to the government, specifically account records that show that a

loan was created to purchase the boat. Mr. Reichling also notes that a second superseding indictment will be coming soon. It will not change the charges.

Ms. Waid does not plan to put on a case in chief at this time and takes the position that that information is not discoverable since they are not going to submit a case in chief. Will only cross examine. Counsel are waiting for a ruling on the motion to dismiss. Defense understands obligations under Rule 16.

The Court is concerned about making witnesses travel to a hot spot in Florida. Discovery does not appear to be ready for trial. Defense counsel has not decided if there is going to be a case in chief.

Mr. Dickerson questions whether the issues could be bifurcated and take up the mortgage fraud first. Defense argues that the defendant has a right to go to trial during a pandemic, since the government chose to arrest the defendant during a pandemic. Mr. Reichling advises the court that both issues are closely intertwined, some of the same witnesses for both issues and they should not be bifurcated. Mr. Reichling notes that there is still a pending motion to dismiss and this decision could determine what is presented at trial. The Court is not going to piecemeal this trial. Court will review motion to dismiss.

The Court continues the trial for 1 cycle. Sets the jury trial term for 2/1/2021, status conference set for 1/11/2021. Court makes Ends of Justice findings. The court has considered the travel of the witnesses during a pandemic. The Court may transfer this case to another district, or another judge so that this case can move along faster.

End time: 2:01 PM