

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-CR-80103-CANNON

UNITED STATES OF AMERICA

v.

DUSTIN SEAN McCABE,

Defendant.

GOVERNMENT'S SECOND RESPONSE TO STANDING DISCOVERY ORDER

The United States hereby files this second response to the Standing Discovery Order (“SDO”), incorporating by reference its previous SDO response. *See* DE 19. Since filing the First SDO Response, the Government produced the following records via email on December 13, 2024: (1) agency reports marked as MCCABE_003161 through 003179 and 003185, and (2) a report from 2019 as to the Defendant’s prior vessel failing inspection marked as MCCABE_003180 through 003184. Counsel for the defense should alert the undersigned Assistant United States Attorney if it has any problems accessing these records.

The Government further noted by email to the defense that the Government intends to offer this last record, regarding the Defendant’s prior discipline for failing to maintain his vessel, as evidence under Federal Rule of Evidence 404(b). The government remains aware of its continuing duty to disclose such newly discovered additional information required by the Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, *Brady*, *Giglio*, *Napue*, and the obligation to assure a fair trial.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Date: December 14, 2024

By: /s/ Zachary A. Keller
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 14, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that referenced discovery was served on counsel of record as described herein.

/s/ Zachary A. Keller
ZACHARY A. KELLER
Assistant United States Attorney