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BOND, CLOSED

**U.S. District Court
Middle District of Florida (Ocala)
CRIMINAL DOCKET FOR CASE #: 5:24-mj-01211-PRL All Defendants**

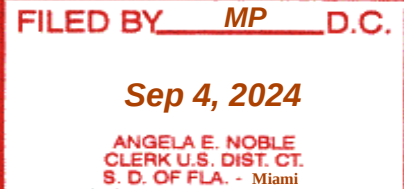
Case title: USA v. McCabe

Date Filed: 08/28/2024

Other court case number: 24-80103 Southern District of Florida

Date Terminated: 08/29/2024

Assigned to: Magistrate Judge Philip R.
Lammens



Defendant (1)

Dustin Sean McCabe
Ocala, FL
BOND
TERMINATED: 08/29/2024

represented by **Christine Nan Bird**
Office of the Federal Defender
203 E. Silver Springs Blvd.
Suite 202
Ocala, FL 34470
352-351-9157
Email: christine_bird@fd.org
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:1115.F MISCONDUCT OR NEGLECT OF
SHIP OFFICERS - (Seaman's Manslaughter),
18:1001.F STATEMENTS OR ENTRIES
GENERALLY - (False Statement Within the
Jurisdiction of an Agency of the United States),
3-5 18:1343.F FRAUD BY WIRE, RADIO,
OR TELEVISION - (Wire Fraud)

Disposition

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USA

represented by **William Stephen Hamilton**
 US Attorney's Office - FLM
 Suite 300
 35 SE 1st Ave
 Ocala, FL 34471
 352-547-3600
 Email: william.s.hamilton@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
08/28/2024	1	Arrest pursuant to Rule 5(c)(2) of Dustin Sean McCabe from the Southern District of Florida. (MGB) (Entered: 08/28/2024)
08/29/2024	2	ORAL MOTION to Appoint Counsel, ORAL MOTION for Bond by Dustin Sean McCabe. (MJT) (Entered: 08/30/2024)
08/29/2024	3	Minute Entry for In Person proceedings held before Magistrate Judge Philip R. Lammens: INITIAL APPEARANCE in Rule 5(c)(3) proceedings held on 8/29/2024 as to Dustin Sean McCabe from the Southern District of Florida. (DIGITAL) (MJT) (MJT). (Entered: 08/30/2024)
08/29/2024	4	***CJA 23 Financial Affidavit by Dustin Sean McCabe. (MJT) (Entered: 08/30/2024)
08/29/2024	5	ORDER APPOINTING FEDERAL DEFENDER as to Dustin Sean McCabe. Signed by Magistrate Judge Philip R. Lammens on 8/29/2024. (MJT) (Entered: 08/30/2024)
08/29/2024	6	NOTICE of Standing Order Regarding Due Process Protections Act, 3:20-mc-20-TJC, Doc 1 as to Dustin Sean McCabe: Pursuant to the Due Process Protections Act, the Court confirms the United States' disclosure obligation under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to comply with that obligation. Violating this order may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and other sanctions. Signed by Judge Timothy J. Corrigan. (MJT) (Entered: 08/30/2024)
08/29/2024	7	WAIVER of Rule 5 & 5.1 Hearings hearing by Dustin Sean McCabe. (MJT) (Entered: 08/30/2024)
08/29/2024	8	ORDER Setting Conditions of Release. Signed by Magistrate Judge Philip R. Lammens on 8/29/2024. (MJT) (Entered: 08/30/2024)
08/29/2024	9	APPEARANCE BOND entered as to Dustin Sean McCabe. Signed by Magistrate Judge Philip R. Lammens on 8/29/2024. (MJT) (Entered: 08/30/2024)
08/29/2024	10	ORDER OF REMOVAL pursuant to Rule 5(c)(3) to the Southern District of Florida as to Dustin Sean McCabe. The defendant has been ordered to report as follows: On September 12, 2024, at 10:00 am, Paul G. Rogers Federal Building and U.S. Courthouse at 701 Clematis Street, Room 202, West Palm Beach, Florida. Signed by Magistrate Judge Philip R. Lammens on 8/29/2024. (MJT) (Entered: 08/30/2024)
08/30/2024	11	ORDER correcting scrivener's error re 8 Order Setting Conditions of Release as to Dustin Sean McCabe. Signed by Magistrate Judge Philip R. Lammens on 8/30/2024. (MJT) (Entered: 08/30/2024)
08/30/2024		NOTICE to Southern District of Florida of a Rule 5 or Rule 32 Initial Appearance as to Dustin Sean McCabe regarding your case number: 24-cr-80103. Using your PACER account, you may retrieve the docket sheet and any documents via the case number link. No documents/record will be sent. If you require certified copies of any documents please send a request to

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		Interdistrict Transfer_TXND@txnd.uscourts.gov. (MJ1) (Entered: 08/30/2024)
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**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

V.

5:24-mj-1211-PRL

DUSTIN SEAN MCCABE,
Defendant.

ORDER

Due to a scrivener's error on the Conditions of Release (Doc. 8), as to section (7)(f), the travel conditions are included and corrected as follows:

“Travel is restricted to the Middle and Southern Districts of Florida. Travel to the Northern District of Florida requires permission from his pretrial officer and travel outside the state of Florida requires approval by the court.”

IT IS SO ORDERED in Ocala, Florida, on August 30, 2024.


PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

5:24-mj-1211-PRL

DUSTIN SEAN MCCABE,
Defendant.

FINDINGS AND ORDER OF REMOVAL PROCEEDINGS
PURSUANT TO RULE 5, FED. R. CRIM. P.

Dustin Sean McCabe, having been arrested and presented before me for removal proceedings pursuant to Rule 5, Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5(c)(3) thereof, the following has occurred of record.

An Initial Appearance on the Rule 5 Indictment from Southern District of Florida was held on August 29, 2024.

After hearing the evidence, and based on the defendant's waiver of identity hearing, I find that Dustin Sean McCabe is the person named in the warrant for arrest, a copy of which has been produced.

The defendant was released on bond with conditions.

It is, therefore,

ORDERED that Dustin Sean McCabe be held to answer in the district court in which the prosecution is pending on September 12, 2024, at 10:00 am, Paul G. Rogers Federal Building and U.S. Courthouse at 701 Clematis Street, Room 202, West Palm Beach, Florida.

DONE and **ORDERED** in Ocala, Florida, on August 29, 2024.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:
Counsel of Record

UNITED STATES DISTRICT COURT

for the

MIDDLE District of FLORIDA

UNITED STATES OF AMERICA

v.

DUSTIN SEAN MCCABE

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Case No. 5:24-mj-1211-PRL

APPEARANCE BOND

Defendant's Agreement

I, DUSTIN SEAN MCCABE, agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ☒ to appear for court proceedings;
- ☒ if convicted, to surrender to serve a sentence that the court may impose; or
- ☒ to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

☐ (1) This is a personal recognizance bond.

☒ (2) This is an unsecured bond of \$ 50,000.00.

☐ (3) This is a secured bond of \$ _____, secured by:

☐ (a) \$ _____, in cash deposited with the court.

☐ (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

☐ (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

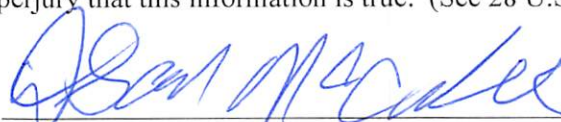
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 29 Aug 2024


 Defendant's signature

 Surety/property owner – printed name

 Surety/property owner – signature and date

 Surety/property owner – printed name

 Surety/property owner – signature and date

 Surety/property owner – printed name

 Surety/property owner – signature and date

CLERK OF COURT

Date: 8/29/24


 Signature of Clerk or Deputy Clerk

Approved.

Date: 8/29/24


 Philip R. Lammens, United States Magistrate Judge

UNITED STATES DISTRICT COURT
for the
MIDDLE District of FLORIDA

UNITED STATES OF AMERICA)

v.)

DUSTIN SEAN MCCABE)

Case No. 5:24-mj-1211-PRL

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

Place

on

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

☐ (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

☒ (7) The defendant must:

☒ (a) submit to supervision by and report for supervision to the Pretrial Services Officer _____, telephone number _____, no later than _____ as directed _____.

☒ (b) cooperate at all times with the Pretrial Services Officer.

☐ (c) continue or actively seek employment.

☒ (d) surrender any passport to: _____ the Clerk's Office.

☒ (e) not obtain a passport or other international travel document.

☐ (f) abide by the following restrictions on personal association, residence, or travel: Travel is restricted to the State of Florida and shall not travel outside the state.

☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

☐ (h) get medical or psychiatric treatment: Submit to mental health evaluation and undergo mental health treatment as determined by the Pretrial Officer.

☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

☐ (k) maintain current residence and shall not change residence without first obtaining authorization from the pretrial services or supervising officer.

☒ (l) not possess or reside in a home with a firearm, destructive device, or other weapon.

☐ (m) not use alcohol (☐) at all (☐) excessively.

☐ (n) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

☐ (o) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

☐ (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

☐ (q) participate in one of the following location restriction programs and comply with its requirements as directed.

☐ (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or

☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- (☒) (r) submit to the following location monitoring technology and comply with its requirements as directed:
- (☐) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (☐) (ii) Voice Recognition; or
 - (☐) (iii) Radio Frequency; or
 - (☒) (iv) GPS.
- (☐) (s) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (☐) (t) report as soon as possible, or within 72 hours, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (☒) (u) Defendant is to appear for status conference on 09/12/24 by 10:00 am at the Paul G. Rogers US District Court at 701 Clematis Street Room 202 West Palm Beach, FL. 33401
-

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


 Defendant's Signature
 ECA17 FL
 City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
 (☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date:

8/29/24


 Judicial Officer's Signature

Philip R. Lammens, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

DUSTIN SEAN MCCABE,
Defendant.

5:24-mj-1211-PRL
Charging District's Case No. 24-80103

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I, understand that I have been charged in another district, the Southern District of Florida. I have been informed of the charges and of my rights to:

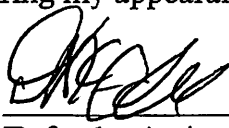
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

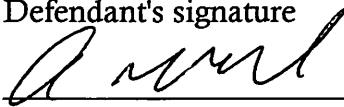
I agree to waive my right to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing
- ☐ a detention hearing
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my ☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by the court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

August 29, 2024


Defendant's signature


Signature of defendant's attorney

Christine Bird
Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

5:24-mj-1211-PRL

DUSTIN SEAN MCCABE,
Defendant.

ORDER APPOINTING FEDERAL DEFENDER

Because the above named defendant has testified under oath or has otherwise satisfied this Court that he/she: (1) is unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, it is

ORDERED that the Federal Defender is appointed to represent the defendant in this case. The defendant may be required to contribute to the cost of this representation depending on circumstances to be determined at a later date.

DONE AND ORDERED in Ocala, Florida, on August 29, 2024.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

5:24-mj-1211-PRL

DUSTIN SEAN MCCABE,
Defendant.

AUSA: William Hamilton
Deft. Atty.: Christine Bird (AFD)

JUDGE	Philip R. Lammens	DATE AND TIME	August 29, 2024 11:26 am – 11:43 am 17 minutes
DEPUTY CLERK	H. Iovino/M. Taylor	TAPE/REPORTER	DIGITAL
INTERPRETER	Not Required	PRETRIAL:	Bryan Coomer

CLERK'S MINUTES – INITIAL APPEARANCE (Rule 5c)

Defendant arrested on an Indictment from the Southern District of Florida, case number 24-cr-80103.

Defendant advised of rights, charges, penalties, etc.

Defendant requests court-appointed counsel. Based on the financial affidavit completed by defendant and/or a financial inquiry, the Court appoints the Federal Defender with reimbursement upon filing by U.S. Attorney. **ORDER TO ENTER.**

Court advises defendant of Rule 20 rights.

Court advised the parties of the requirements of the Due Process Protections Act.

Defendant waives both an identity hearing and production of the warrant.

Government is not seeking the defendant's detention but requests conditions of release.

Defendant has no objection to the conditions proposed.

The defendant shall report to the Southern District of Florida, Paul G. Rogers Federal Building and U.S. Courthouse at 701 Clematis Street, Room 202, West Palm Beach, Florida on **September 12, 2024, at 10:00 am.**

ORDER SETTING CONDITIONS OF RELEASE.

ORDER OF REMOVAL RULE 5/32.1 TO ENTER

FILED IN OPEN COURT:

Financial Affidavit,
Waiver of Rule 5 & 5.1 Hearings