

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

CASE NO. 24-CR-80103-CANNON

UNITED STATES OF AMERICA

v.

DUSTIN SEAN McCABE,

Defendant.

JOINT MOTION TO CONTINUE TRIAL AND ASSOCIATED DEADLINES

The United States of America, through the undersigned Assistant United States Attorney, and Defendant Dustin Sean McCabe, by and through undersigned counsel, jointly move for a continuance of 60 days from the current date of trial and a corresponding extension of any associated plea and pretrial motions deadlines. In support thereof, the parties state the following:

1. Mr. McCabe is charged with one count of seaman's manslaughter, in violation of 18 U.S.C. § 1115, one count of making a false statement within the jurisdiction of an agency of the United States, in violation of 18 U.S.C. § 1001(a)(2), and three counts of wire fraud, in violation of 18 U.S.C. § 1343. DE 3. He made his initial appearance in this District and was arraigned on September 20, 2024, and is on bond. DE 13.

2. On September 24, 2024, this Court entered its trial order setting trial for November 4, 2024. DE 14. The Government filed its first response to the Standing Discovery Order on October 6, 2024. DE 19.

3. The parties have been discussing resolution since this case's inception and anticipate the case being resolved by plea. However, the parties need additional time to settle the parameters of that resolution. As a result, the parties respectfully request that this Court continue

this matter for 60 days, with it understood that the parties will work expeditiously to determine the appropriate path forward for this case and apprise this Court of that path forward as soon as practicable.

4. This request is made in good faith and not for purposes of unnecessary delay. It is in the interests of justice and would not interfere with the public or Mr. McCabe's interest in a speedy resolution of this matter.

5. The undersigned Assistant United States Attorney has conferred with Mr. McCabe's counsel, Ms. Calisha Angeline Francis, who advised that Mr. McCabe joins in this request. In addition, Mr. McCabe agrees to the exclusion from the speedy trial period of the time from the filing of this motion until a new trial date is set.

6. A proposed order is attached and will be emailed to chambers.

WHEREFORE, the United States, joined by Mr. McCabe, respectfully requests that the Court continue trial by 60 days from the current date of trial and grant a corresponding extension of the pretrial motions deadline.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s/Calisha A. Francis
CALISHA ANGELINE FRANCIS
Attorney for the Defendant
Florida Bar No. 96348
P.O. Box 590714
Ft. Lauderdale, Florida 33359
954-612-6126
Email: CthomLaw@aol.com

By: /s/Zachary A. Keller
ZACHARY A. KELLER
Assistant United States Attorney
U.S. Attorney's Office – SDFL
Court No: A5502767
99 NE 4th Street, 6th Floor
Miami, Florida 33132
Tel: (305) 961-9023
Email: zachary.keller@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 17, 2024 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Zachary A. Keller

Zachary A. Keller

Assistant United States Attorney