

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

CASE NO. 24-CR-80103-CANNON

UNITED STATES OF AMERICA

v.

DUSTIN SEAN McCABE,

Defendant.

SECOND 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. Mr. McCabe made his initial appearance in this District and was arraigned on September 20, 2024, and he remains 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. On October 17, 2024, the parties filed their first joint motion to continue the trial date in this matter, noting that the parties "have been discussing resolution since the case's

inception anticipate the case being resolved by plea.” DE 20 at 1. This Court granted the parties’ motion on October 21, 2024, continuing trial to December 16, 2024. DE 21.

4. Since the last continuance, the parties have continued to discuss resolution but have not yet agreed to resolution documents. The parties have continued these negotiations despite both sides being in trials during the months of October and November, with the undersigned Government counsel trying three cases in those two months. That said, the parties have not yet reached a resolution agreeable to both sides and believe additional time to negotiate would serve the interests of potentially reaching such a resolution.

5. In addition, because the parties have not reached a resolution, we are also in discussions as to whether this matter will proceed to trial. If it should proceed to trial, then both sides will need additional time to prepare for that trial, which we anticipate will take approximately two weeks.

6. As a result of the foregoing considerations, the parties respectfully submit that an additional 60-day continuance will permit the parties the time they need to finalize whether this matter will proceed to trial and, if so, to prepare for that trial. In light of Mr. McCabe’s remaining on bond and the complexity of the case here, the parties respectfully submit that this additional preparation and negotiation time would serve the interests of justice by permitting Mr. McCabe time to finalize his decision about how to proceed and for both sides to prepare for trial if necessary.

7. 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.

8. 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.

9. 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.

Dated: December 2, 2024

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 2, 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