

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 24-80103-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN SEAN MCCABE,

Defendant.

**ORDER GRANTING JOINT MOTION FOR FINAL TRIAL CONTINUANCE AND
DENYING REQUEST FOR CHANGE OF TRIAL LOCATION**

THIS CAUSE comes before the Court upon Defendant's Status Report and Joint Motion for Final Continuance of Trial Date and for Trial to be Held at West Palm Beach Courthouse [ECF No. 24]. The Court has reviewed the Motion and is otherwise fully advised. Following that review, it is

ORDERED AND ADJUDGED that Defendant's Motion [ECF No. 24] is **GRANTED IN PART**. The Court finds good cause to continue trial **one final time**, as indicated below, and notes Defendant's acknowledgment in the Motion that the period of the continuance should be excluded under the Speedy Trial Act [ECF No. 24 ¶ 13]. As a result, the Court finds that the period of delay resulting from this continuance—*i.e.*, from the date the Defendant's Motion was filed, December 11, 2024, to the date trial commences—will serve the ends of justice and shall be deemed excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161. The Court does not, however, find a sufficient basis to grant the parties' request for a change in courthouse location. The approximate one-hour travel time between the West Palm Beach courthouse and the Fort Pierce courthouse is not, on this record, a sufficient basis to grant the relief requested, whether

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because of the location of the referenced civilian witnesses as stated in general terms in the Motion or the broad claims about community-interest in West Palm Beach.¹

The parties shall adhere to the following pre-trial and trial schedule:

1. Calendar call will be held on **February 18, 2025, at 1:45 pm.** The case is set for **Jury Trial** during the two-week trial period that begins **February 24, 2025**, in the Fort Pierce Courthouse.
2. All other instructions set forth in the Court's Omnibus Order Setting Trial [ECF No. 14] remain in effect except as modified by this Order.
3. The pretrial motions deadline expired on November 7, 2024, and was not extended by this Order (or by the Court's prior Order [ECF No. 23]), but the Court nevertheless will permit the parties to file any such motions on or before **December 31, 2024**, with no extensions to be granted.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 16th day of December 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

¹ The Court has also considered the prosecutors' personal, distance-related concerns and respectfully does not find them sufficient to alter the Court's decision.