

**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 NOTICE REGARDING WITNESS AVAILABILITY

The United States, by and through the undersigned Assistant United States Attorney, respectfully submits this Notice Regarding Witness Availability to apprise this Court of a scheduling concern for the February 24 trial and to ask that the Court's planning for commencing on February 24 account for it:

One of the Government's essential witnesses as to the seaman's manslaughter charged in this case, J.H., has a non-refundable skiing vacation scheduled for the week of February 24, 2025. While J.H.'s flight was originally scheduled for the afternoon of Monday, February 24, she has been able to move her flight to the morning of Tuesday, February 25 and to adjust her group's scheduled pickup time that day in her skiing location.¹ The Government plans to call J.H. as its first witness and anticipates that her direct, cross, and redirect testimony will fit well within the afternoon of February 24 if the parties select a jury in the morning and deliver their openings to begin the afternoon. That said, the Government would ask for latitude in completing J.H.'s testimony on February 24 in the unlikely event that, whether due to the length of cross-

¹ Another witness, whose testimony relates to the wire fraud charged as Counts 3-5, is attending the same trip as part of the group, but the Government projects that he will testify the second trial week.

examination or an unforeseen delay, her testimony were to run past the normal stop time that day.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Date: January 11, 2025

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

I HEREBY CERTIFY that on January 11, 2025, 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