

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

CASE NO. 24-CR-80103-CANNON

UNITED STATES OF AMERICA

v.

DUSTIN SEAN McCABE,

Defendant.

SPEEDY TRIAL REPORT

The United States, through the undersigned Assistant United States Attorney, submits this Speedy Trial Report in the above-captioned matter. The Speedy Trial Act requires that a defendant's trial commence within seventy days from the latter of either the date of indictment or the date of the defendant's initial appearance before a judicial officer. *See* 18 U.S.C. § 3161(c)(1); *see also United States v. Tinklenberg*, 131 S.Ct. 2007, 2010 (2011). The relevant dates and calculations in this matter are as follows:

1. On August 22, 2024, an indictment was returned that charged the Defendant with seaman's manslaughter, in violation of 18 U.S.C. § 1115, making a false statement to a federal agency, in violation of 18 U.S.C. § 1001(a)(2), and wire fraud, in violation of 18 U.S.C. § 1343. DE 3. The Defendant first appeared before a judicial officer and was arraigned on these charges on September 20, 2024, DE 13. Therefore, September 20, 2024, is excluded from the calculation, and September 21, 2024, is the first day for the purposes of speedy trial calculations.

2. On September 24, 2024, this Court entered an Order setting the trial of this matter to begin on November 4, 2024. DE 14.

3. The parties filed a Joint Motion to Continue Trial on October 17, 2024. DE 20. On October 21, 2024, this Court granted the motion and reset trial for December 16, 2024. DE 21. In so doing, this Court excluded the time from October 17, 2024, to and including the new December 16 trial date from the speedy trial calculation. DE 21 at 1.

4. The parties filed a Second Joint Motion to Continue Trial on December 2, 2024. DE 22. On December 3, 2024, this Court granted the motion in part and reset trial for January 13, 2024. DE 23. In so doing, this Court excluded the time from December 2, 2024, to and including the new January 13 trial date from the speedy trial calculation. DE 23 at 1.

5. The parties filed a final Joint Motion to Continue Trial on December 11, 2024. DE 24. On December 16, 2024, this Court granted the motion and reset trial for February 24, 2024. DE 26. In so doing, this Court excluded the time from December 11, 2024, to and including the new February 24 trial date from the speedy trial calculation. DE 26 at 1.

6. The United States computes that, pursuant to 18 U.S.C. §3161(c)(1), twenty-five (25) of the 70 days of non-excludable time have lapsed, with that time consisting of September 21 through October 16, 2024. The net time remaining is therefore 45 days. The Defendant's trial is therefore currently set to commence prior to the last day of the Defendant's 70-day speedy trial period.

Respectfully submitted,

MICHAEL S. DAVIS
ACTING UNITED STATES ATTORNEY

Date: January 25, 2025

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 January 25, 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