

**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 SUPPLEMENTAL NOTICE REGARDING ANTICIPATED  
WITNESS TESTIMONY OVERLAP AS TO COUNTS ONE THROUGH FIVE**

The United States of America, by and through the undersigned Assistant United States Attorney, respectfully submits this Supplemental Notice Regarding Witness Testimony Overlap to apprise this Court of additional information learned during witness preparation for the February 24 trial in this case that bears on the Defendant's Motion for Severance, DE 30. The United States submits this information in further support of this Court denying the Defendant's Motion because this supplemental witness information again shows a witness whose testimony will directly bear on all crimes charged in the Indictment:

On February 7, 2025, the Government conducted a witness preparation session with S.P. Prior to the interview, the Government understood S.P. to have personal knowledge relating to Counts One and Two of the Indictment, with that testimony including (1) his knowledge of the Defendant's purchase of the M/V SOUTHERN COMFORT and his plans for the vessel, (2) the Defendant telling S.P. of propulsion malfunctions that occurred the day before M.C.G.F.'s death, and (3) a description of the vessel's condition when S.P. repossessed/repurchased the vessel from the Defendant, which showed it to have engine problems. However, during his February 7 interview, S.P. also provided three pieces of information that directly related to the Defendant's

Paycheck Protection Program (“PPP”) fraud charged in Counts Three, Four, and Five: (1) that the Defendant told S.P. that his business was no longer operating after M.C.G.F.’s death, (2) that the Defendant told S.P. that he was applying for PPP loans while his scuba business was shut down, and (3) that the Defendant also told S.P. that he was using the PPP proceeds to maintain financial stability while he found another form of work.

Based on this anticipated testimony, the Government now expects that S.P. will serve as a witness whose testimony will span all five counts of the Indictment. The Government therefore files this Notice to supplement its proffer of facts in its Response to the Defendant’s Motion for Severance, DE 31, to advise this Court that S.P.’s testimony, like S.B. and J.S. described in the Response, *see* DE 31 at 3-4.

Respectfully submitted,

HAYDEN P. O’BYRNE  
UNITED STATES ATTORNEY

Date: February 7, 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 February 7, 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