

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

CASE NO. 24-80103-CR-CANNON

UNITED STATES OF AMERICA

v.

DUSTIN SEAN McCABE,

Defendant.

_____ /

GOVERNMENT’S PROPOSED VOIR DIRE QUESTIONS

Pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure and the Court’s pre-trial scheduling order, the United States of America, through the undersigned Assistant United States Attorney, requests that the Court include in its voir dire the following questions:

1. One of the crimes charged in this case requires the Government to prove only that the Defendant engaged in what the law calls “simple negligence,” meaning that the Defendant owed a duty to the victim, he breached that duty, and that his breach of duty resulted in harm to the victim. That “negligence” standard means that the Government does not need to prove that the Defendant acted knowing that his conduct would cause harm or intending that his conduct cause harm. Does anyone believe they could not follow my instructions by applying this lower standard to the facts as you determine them in this criminal case?

2. This case involves three different types of crimes charged in five counts, and the Court will instruct you to consider each count separately based on your review of the evidence relevant to that count. So, you can’t say to yourself, “Well, I think the Defendant committed one of the crimes, so he must have committed another one.” Does anyone here believe they would have difficulty following my instructions on this issue?

3. This case concerns events that occurred in 2020 and 2021 and that were charged by

indictment last year. Does anyone here believe that the amount of time that passes between events happening and then later being charged as a crime has any bearing on the merits of the case?

4. When people apply for things like loans or vehicle registrations, they are often required to provide information in a form and then sign the form under a notice that they can be prosecuted for knowingly making a false statement in the form. Does anyone believe that people making false statements on these types of loan or registration forms is not a big deal, or at least should not be punished criminally?

5. The United States must prove its case beyond a reasonable doubt, but not beyond all possible doubt. As I will explain at the end of the trial, “proof beyond a reasonable doubt” is proof so convincing that you would be willing to rely and act on it without hesitation in the most important of your own affairs, but no more. Does anyone think that the United States’ burden should be higher than beyond a reasonable doubt?

Respectfully submitted,

HAYDEN P. O’BYRNE
UNITED STATES ATTORNEY

Date: February 10, 2025

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

I HEREBY CERTIFY that on February 10, 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