

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

CASE NO. 24-80103-CR-CANNON

UNITED STATES OF AMERICA

v.

DUSTIN SEAN McCABE,

Defendant.

_____ /

UNITED STATES OF AMERICA’S WITNESS AND EXHIBIT LIST

The United States of America respectfully submits the following witness and exhibit lists for the trial set to begin February 24, 2025. The Government has produced stamped copies of these exhibits electronically to the defense, and the Government requests leave to add exhibits and witnesses as necessary.

Date: February 23, 2025

Respectfully submitted,

HAYDEN O’BYRNE
UNITED STATES ATTORNEY

By: /s/ Zachary A. Keller
ZACHARY A. KELLER
Assistant United States Attorney
U.S. Attorney’s Office – SDFL
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Miami, Florida 33132
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Email: zachary.keller@usdoj.gov

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

CASE NO. 24-80103-CR-CANNON

UNITED STATES OF AMERICA

Witness and Exhibit List

v.

DUSTIN SEAN McCABE,

Defendant.

_____ /

Presiding Judge: The Honorable Aileen M. Cannon					AUSA: Zachary A. Keller Tanner Stiehl Jacob Koffsky	Defendant's Attorney: Calisha Angeline Francis Terrence O'Sullivan
USA No.	Def. No.	Date Offered	Date admitted	Witness	Court Reporter:	Courtroom Deputy:
1.					Caleb King, United States Coast Guard ("USCG") Coast Guard Investigative Service, Special Agent	
2.					Allan Roth, USCG	
3.					Lieutenant Commander Andrew Cole, USCG	
4.					Captain Chris Cederholm, USCG	
5.					Christopher Mosquera, USCG	
6.					Sean Goodman, USCG	
7.					Andrea Walker, USCG	
8.					David Fowler, Florida Fish and Wildlife Conservation Commission ("FWC") Investigator	
9.					Michael Abramczyk, North Palm Beach Police Department Officer	
10.					Jason Willems, FWC Investigator	

Presiding Judge: The Honorable Aileen M. Cannon					AUSA: Zachary A. Keller Tanner Stiehl Jacob Koffsky	Defendant's Attorney: Calisha Angeline Francis Terrence O'Sullivan
USA No.	Def. No.	Date Offered	Date admitted	Witness	Court Reporter:	Courtroom Deputy:
11.					Dr. Terrill Topps, Palm Beach County Medical Examiner	
12.					Paul Alber, Alber Consulting LLC	
13.					Althea Harris, Small Business Administration	
14.					April Seward, Internal Revenue Service	
15.					Spencer Lord, Cross River Bank	
16.					Justin Masterman, Celtic Bank	
17.					Heather Spurlock, The Maritime Consortium, Inc.	
18.					Joshua Steib, Safe Harbor Marinas	
19.					Jordan McKenna, Safe Harbor Marinas	
20.					Kristy Kelly	
21.					Sean Flynn	
22.					David Anderson	
23.					Kimberly Odom	
24.					Steven Poznak	
25.					Sandra Brammeier	
26.					Carter Honesty	
27.					Jennifer Hester	
28.					Carl McManus	

Presiding Judge: The Honorable Aileen M. Cannon					AUSA: Zachary A. Keller Tanner Stiehl Jacob Koffsky	Defendant's Attorney: Calisha Angeline Francis Terrence O'Sullivan
USA No.	Def. No.	Date Offered	Date admitted	Witness	Court Reporter:	Courtroom Deputy:
GX1.					North Palm Beach Marina Map	
GX2.					M/V SOUTHERN COMFORT ("Vessel") Photo 1	
GX3.					Vessel Photo 2	
GX4.					Vessel Photo 3	
GX5.					Vessel Photo 4	
GX6.					J.H. Injury Photo 1	
GX7.					J.H. Injury Photo 2	
GX8.					Spear Gun Photo 1	
GX9.					Spear Gun Photo 2	
GX10.					Spear Gun Photo 3	
GX11.					Facebook Messenger Between J.H. and Defendant	
GX12.					April 9 Captain of the Port Order	
GX13.					[INTENTIONALLY OMITTED]	
GX14.					Trial Stipulation	
GX15.					Text Message Between Anderson and Defendant	
GX16.					GPS Vessel Photo 1	
GX17.					GPS Vessel Photo 2	
GX18.					GPS Vessel Photo 3	
GX19.					GPS Vessel Photo 4	
GX20.					Under Vessel Propeller Video – 3.29.20	
GX21.					Under Vessel Propeller Photo 1 – 3.29.20	
GX22.					Under Vessel Propeller Photo 2 – 3.29.20	

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USA No.	Def. No.	Date Offered	Date admitted	Witness	Court Reporter:	Courtroom Deputy:
GX23.					Under Vessel Propeller Photo 3 – 3.29.20	
GX24.					Under Vessel Propeller Photo 4 – 3.29.20	
GX25.					Under Vessel Propeller Photo 5 – 3.29.20	
GX26.					Under Vessel Propeller Photo 6 – 3.29.20	
GX27.					Under Vessel Propeller Photo 7 – 3.29.20	
GX28.					Rear of Vessel Photo 1	
GX29.					Rear of Vessel Photo 2	
GX30.					Rear of Vessel Photo 3	
GX31.					Vessel's Bridge Photo 1	
GX32.					Vessel's Bridge Photo 2	
GX33.					Vessel's Bridge Photo 3	
GX34.					Vessel's Bridge Photo 4	
GX35.					Vessel's Bridge Photo 5	
GX36.					Vessel's Bridge Photo 6	
GX37.					Vessel's Bridge Photo 7	
GX38.					Photo of M.C.G.F. 3.29.20 – 1	
GX39.					Photo of M.C.G.F. 3.29.20 – 2	
GX40.					[INTENTIONALLY OMITTED]	
GX41.					[INTENTIONALLY OMITTED]	
GX42.					[INTENTIONALLY OMITTED]	
GX43.					[INTENTIONALLY OMITTED]	
GX44.					Photo of M.C.G.F. 3.29.20 – 3	

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USA No.	Def. No.	Date Offered	Date admitted	Witness	Court Reporter:	Courtroom Deputy:
GX45.					Photo of M.C.G.F. 3.29.20 – 4	
GX46.					[INTENTIONALLY OMITTED]	
GX47.					Photo of M.C.G.F. 3.29.20 – 5	
GX48.					Photo of M.C.G.F. 3.29.20 – 6	
GX49.					Photo of M.C.G.F. 3.29.20 – 7	
GX50.					Photo of M.C.G.F. 3.29.20 – 8	
GX51.					[INTENTIONALLY OMITTED]	
GX52.					Defendant's Recorded Statement with Investigator Fowler	
GX53.					Vessel Scuba Gear Photo 3.29.20 – 1	
GX54.					Vessel Scuba Gear Photo 3.29.20 – 2	
GX55.					Vessel Scuba Gear Photo 3.29.20 – 3	
GX56.					Vessel Scuba Gear Photo 3.29.20 – 4	
GX57.					Vessel Scuba Gear Photo 3.29.20 – 5	
GX58.					McCabe IDs 3.29.20 Photo	
GX59.					M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 1	
GX60.					M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 2	
GX61.					M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 3	
GX62.					M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 4	
GX63.					M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 5	
GX64.					M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 6	
GX65.					M.C.G.F. Scuba Wetsuit Photo 3.29.20 – 7	
GX66.					Vessel Cabin Area Photo 3.29.20	

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GX67.					Vessel Engine Area Photo 3.29.20	
GX68.					Vessel Rear Engine Controls Removed Photo 3.29.20	
GX69.					Palm Beach Bay Map with Incident Location Marked	
GX70.					Medical Examiner's Report M.C.G.F.	
GX71.					Defendant Written Statement	
GX72.					Vessel Certificate of Documentation	
GX73.					Vessel Abstract of Title	
GX74.					Vessel Mortgage	
GX75.					TVA Ladder and Platform Check	
GX76.					TVA Dive Benches Check	
GX77.					USCG Form 1258	
GX78.					USCG Form 1340	
GX79.					April 3 Email Steib – SBA Loan Application	
GX80.					April 3 Email Steib – PPP Handwritten Application	
GX81.					April 3 Email Steib – Casualty Documents	
GX82.					Text Exchange Between CWO Goodman and Defendant	
GX83.					Bill of Sale Document	
GX83A.					Release of Lien Document	
GX84.					North Palm Beach Marina 2022 Google Earth	
GX85.					Celtic Bank PPP Loan Application	
GX86.					Celtic Bank Application Information	
GX87.					Celtic Bank Loan Forgiveness Application	

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USA No.	Def. No.	Date Offered	Date admitted	Witness	Court Reporter:	Courtroom Deputy:
GX88.					Celtic Bank Loan Forgiveness Bank Account	
GX89.					Celtic Bank Promissory Note	
GX90.					Celtic Bank Defendant Driver's License	
GX91.					Cross River PPP Loan Application	
GX92.					Cross River PPP Loan Application E-Sign	
GX93.					Cross River Tax Document 1120	
GX94.					Cross River Void Check	
GX95.					Cross River Contact Information for Defendant	
GX96.					Cross River Defendant Driver's License	
GX97.					Cross River Defendant Email Chain 1	
GX97A.					Cross River Defendant Email Chain 2	
GX97B.					Cross River Defendant Email Chain 3	
GX98.					Cross River Loan Forgiveness Application	
GX99.					TVA Florida Scuba PGA Check 2.19.2021	
GX100.					TVA Florida Scuba Business Signature Card	
GX100A.					TVA Florida Scuba Statement 11.19	
GX100B.					TVA Florida Scuba Statement 12.19	
GX100C.					TVA Florida Scuba Statement 01.20	
GX100D.					TVA Florida Scuba Statement 02.20	
GX100E.					TVA Florida Scuba Statement 03.20	
GX100F.					TVA Florida Scuba Statement 04.20	
GX100G.					TVA Florida Scuba Statement 05.20	

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USA No.	Def. No.	Date Offered	Date admitted	Witness	Court Reporter:	Courtroom Deputy:
GX100H.					TVA Florida Scuba Statement 06.20	
GX100I.					TVA Florida Scuba Statement 07.20	
GX100J.					TVA Florida Scuba Statement 08.20	
GX100K.					TVA Florida Scuba Statement 09.20	
GX100L.					TVA Florida Scuba Statement 10.20	
GX100M.					TVA Florida Scuba Statement 11.20	
GX100N.					TVA Florida Scuba Statement 12.20	
GX100O.					TVA Florida Scuba Statement 01.21	
GX100P.					TVA Florida Scuba Statement 02.21	
GX100Q.					TVA Florida Scuba Statement 03.21	
GX100R.					TVA Florida Scuba Statement 04.21	
GX100S.					TVA Florida Scuba Statement 05.21	
GX100T.					TVA Florida Scuba Statement 06.21	
GX100U.					TVA Florida Scuba Statement 07.21	
GX100V.					TVA Florida Scuba Statement 08.21	
GX101.					TVA Florida Scuba Defendant Check 2.22.21	
GX102.					Florida Scuba State Recognition of Dissolution on 5.13.21	
GX103.					Florida Scuba Articles of Dissolution 5.13.21	
GX104.					Florida Scuba Articles of Incorporation 11.26.14	
GX105.					Florida Scuba Kristy McCabe Removal 3.25.20	
GX106.					Florida Scuba Annual Certifications 2019 & 2020	
GX107.					GPS Raw Data	

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GX107A.					SD Card Garmin	
GX107B.					SD Card V-1 Faruno Device	
GX108.					Piece of M.C.G.F. Wetsuit	
GX109.					Autopsy Photo 1	
GX109A.					Autopsy Photo 2	
GX109B.					Autopsy Photo 3	
GX109C.					Autopsy Photo 4	
GX109D.					Autopsy Photo 5	
GX109E.					Autopsy Photo 6	
GX109F.					Autopsy Photo 7	
GX109G.					Autopsy Photo 8	
GX109H.					Autopsy Photo 9	
GX109I.					Autopsy Photo 10	
GX109J.					Autopsy Photo 11	
GX109K.					Autopsy Photo 12	
GX109L.					Autopsy Photo 13	
GX109M.					Autopsy Photo 14	
GX109N.					Autopsy Photo 15	
GX110.					Defendant Merchant Mariner Oath	
GX111.					Defendant PGA Application	
GX112.					Marine Unlimited Check 2.21.20	
GX113.					TVA Florida Scuba Account Update 3.25.20	

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GX114.					TMCI Employee List	
GX115.					TVA Dustin McCabe Monthly Statement 05.20	
GX116.					TVA Florida Scuba Deposit Records	
GX117.					TVA Florida Scuba Defendant Check 5.15.20	
GX118.					TVA Florida Scuba Defendant Check 7.7.20	
GX119.					TVA Florida Scuba Defendant Check 9.4.20	
GX120.					TVA Florida Scuba Defendant Check 10.6.20	
GX121.					Celtic Bank Defendant Tax Form Schedule C	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 23, 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