

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-20290-CR-BLOOM/OTAZO-REYES**

UNITED STATES OF AMERICA,

v.

ERIC DEAN SHEPPARD,

Defendant.

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UNITED STATES' THIRD SPEEDY TRIAL REPORT

The United States, by and through the undersigned Assistant United States Attorney, hereby provides the Court with the following Third Speedy Trial Report:

1. The Defendant, Eric Dean Sheppard, was arrested and made his initial appearance on Tuesday, July 12, 2022. ECF No. [6].

2. On July 14, 2022, the Defendant filed an Unopposed Motion to Reschedule Arraignment and Report re Counsel in which he requested a continuance of the arraignment date and entered a speedy trial waiver for the period of the continuance. ECF No. [10]. The filing of pretrial motions automatically stops the speedy trial clock. *See* 18 U.S.C. § 3161(h)(1)(D); *United States v. Tinklenberg*, 563 U.S. 647, 650 (2011). When computing time, neither the day on which a motion is filed, nor the day on which the court disposes of the motion, are counted. *See United States v. Yunis*, 723 F.2d 795 (11th Cir. 1984). Thus, the speedy trial clock stopped on July 13, 2022, and only one (1) day had elapsed as of that point in time. The speedy trial clock did not resume until the day after the Defendant's arraignment, which took place on July 19, 2022, ECF

No. [22]. *Id.* at 797 (stating that the date of a defendant's arraignment is excluded from the speedy trial computation).

3. On July 29, 2022, the United States filed an Unopposed Motion for Disclosure of Tax Returns and Tax Return Information. ECF No. [24]. Thus, the speedy trial clock again stopped on July 28, 2022, and as of that date, an additional nine (9) days had elapsed. The Court ruled upon this motion on August 1, 2022; therefore, the speedy trial clock resumed on August 2, 2022.

4. On August 15, 2022, the Defendant filed a Motion to Continue Trial and Calendar Call, which stopped the speedy trial clock. ECF No. [27]. An additional thirteen (13) days had elapsed between August 2, 2022, and August 14, 2022. As a result, a total of twenty-three (23) days of non-excludable time had elapsed as of the filing of the Motion to Continue Trial and Calendar Call.

5. On August 15, 2022, this Court entered an Order continuing the trial of this matter until January 17, 2023, and finding that all time between August 15, 2022, and January 17, 2023, was excludable time. ECF No. [28].

6. On November 7, 2022, the Defendant filed a second Motion to Continue Trial and Calendar Call, requesting a six-month continuance of the trial date. ECF No. [31]. On the same day, the Court entered an Order granting this most recent motion, re-setting the trial to the two-week docket commencing on May 8, 2023, and finding that all time between November 7, 2022, and May 8, 2023, was excludable time. ECF No. [32].

7. As of the date of this report, only twenty-three (23) non-excludable days have elapsed under the speedy trial clock and forty-seven (47) days remain. The latest the trial of this matter may take place is, therefore, June 26, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 8, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send Notices of Electronic Filing to all counsel of record.

/s Marty Fulgueira Elfenbein
MARTY FULGUEIRA ELFENBEIN
Assistant United States Attorney