

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

UNITES STATES OF AMERICA

Plaintiff,

v.

ERIC DEAN SHEPPARD,

Defendant.

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO CONTINUE CALENDAR CALL AND TRIAL**

Defendant, Eric Dean Sheppard (“Sheppard”), respectfully files this Unopposed Motion to Continue Calendar Call and Trial. In support of this Motion, Defendant states:

1. Undersigned counsel underwent emergency major spine surgery at the end of October 2022. What was expected to be a three-to-four-hour surgery ended up taking approximately eight hours. If all continues go to well, a full recovery should take six to twelve months.

2. In January of 2023, undersigned counsel started to resume work on a part-time basis. Counsel can remain seated only for a limited amount of time with periodic breaks to stand and walk around per doctor’s orders.

3. In November 2022, counsel sought and was granted an extension by this Court until May 2023. Unfortunately, recovery from this type of surgery progresses slowly and has limited undersigned counsel’s ability to work full-time.

4. As undersigned counsel gradually returns to work, there are several cases which require extensive preparation. Counsel is trying her best, subject to her physical limitations, to keep up with her professional obligations. In weighing her ethical and professional responsibilities

counsel has had to make difficult choices in prioritizing her cases. Last week, due to physical limitations, Counsel was permitted to withdraw from a high visibility case in the SDNY. This case is a high priority for the undersigned, and counsel seeks the opportunity to fully execute her professional responsibilities to the client, which, unfortunately requires additional time.

5. Undersigned counsel has conferred with the Defendant, Eric Sheppard, who completely supports the request to maintain the undersigned as lead counsel and to request an additional extension in order to properly prepare for trial.

6. The time undersigned counsel was unavailable was not wasted. An expert advisory firm was hired and engaged to assist in reviewing and analyzing the voluminous discovery on the six loan applications at issue. Counsel has a professional responsibility to personally review the voluminous discovery, spend sufficient time with the client, and prepare the defense which the Defendant is entitled to. Counsel believes in good faith that given additional time, she will be fully recovered and able to provide the Defendant with effective assistance of counsel.

7. The preparation of this case is complex and time consuming as it involves knowledge of construction deadlines and understanding the real estate business as it evolved during the unprecedented initial stages of the pandemic. It requires an extensive amount of work beyond the Government's discovery, including searching for and locating documents and interviewing people, who have since, in many instances, relocated. The case involves multiple aspects of a large, multi-faceted, and evolving construction and development project during the pandemic.

8. The Government offered defense counsel the opportunity to view additional documents and discovery that is available in the U.S. Attorney's Office

9. Undersigned counsel and counsel for the government have discussed this request for a continuance. Candidly, both sides have family summer vacations scheduled. Therefore, due to the highly unusual, personal and particularized reasons articulated herein, the parties have agreed to request the Court to reset trial until September 2023.

10. Defendant knowingly and intelligently waives his speedy trial rights under the Speedy Trial Act as necessary for purposes of this Unopposed Motion, and requests, in the interest of justice, that the Court exclude speedy trial time from the date of the filing of this Motion through the new date set for trial.

WHEREFORE, Defendant, Eric Dean Sheppard, respectfully requests that this Court grant this **Unopposed Motion to Continue** Calendar Call and Trial, and for such other and further relief as may be just and proper.

Dated: February 3, 2023

Respectfully submitted,

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By: /s/ Jayne C. Weintraub
Jayne C. Weintraub
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 3, 2023 the foregoing document was filed via the Court's CM/ECF system to all counsel of record.

/s/ Jayne C. Weintraub
Jayne C. Weintraub