

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 REPLY IN SUPPORT OF
MOTION TO STRIKE SURPLUSAGE FROM THE SUPERSEDING INDICTMENT**

The Defendant Eric Dean Sheppard, by and through his undersigned counsel, submits this Reply in Support of his Motion to Strike Surplusage from the Superseding Indictment [D.E. 115].

The Government’s Response to Defendant’s motion to strike surplusage from the Superseding Indictment misses the mark. The Government’s purported responses to *all* of Defendant’s arguments are wholly insufficient, and the Motion should this be granted. That said, one of the Government’s responses calls to be addressed in this reply brief.

Defendant moved to strike, in part, references to Mr. Sheppard’s “accomplices” as references to Mr. Sheppard’s alleged accomplices are irrelevant, inflammatory, and prejudicial. The Government’s response fails to explain how the references to accomplices in the Superseding Indictment are relevant and does not rebut Defendant’s claim that these references are inflammatory and prejudicial. Instead, the Government states that the references to Defendant’s alleged accomplices should not be stricken because the Government “has a factual basis for the references to accomplices in the Superseding Indictment.” [DE 119 at 5]. Additionally, the Government names the Defendant’s wife, J.S., as being the applicant and signer on three loan

applications which are the subject of three Wire Fraud counts—three out of the nine Wire Fraud counts charged. *Id.* Yet, the reference to Defendant’s alleged accomplices in the Superseding Indictment relates to all nine counts of Wire Fraud. [DE 60 at 4-7]. Not even the Government can explain why that language is related to all nine counts of Wire Fraud, because it is not. [DE 119 at 5]. The irrelevant references will instead inflame the jury and prejudice Mr. Sheppard because it will give the impression to the jury that there were accomplices in Defendant’s alleged scheme, but the jury will not hear anything about them. It will lead to speculation by the jury that there were accomplices involved, which serves no real purpose but to inflame the jury and prejudice Mr. Sheppard.

WHEREFORE, Defendant, Eric Dean Sheppard, respectfully requests that this Court grant his motion to strike surplusage from the Superseding Indictment, and for such other and further relief as may be just and proper.

Dated: October 26, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 26, 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