

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

CASE NO. 22-CR-20290-BLOOM(s)

UNITED STATES OF AMERICA,

v.

ERIC DEAN SHEPPARD,

Defendant.

**UNITED STATES' SECOND NOTICE OF INTENT TO SEEK ADMISSION
OF CERTIFICATION OF THE ABSENCE OF A PUBLIC RECORD**

The United States of America, through the undersigned Assistant United States Attorney, hereby provides this notice, pursuant to Fed. R. Evid. 803(10), of the United States' intent to introduce at trial certifications from the Internal Revenue Service ("IRS") of certain tax return forms and tax return information that was/were not found among its records after having conducted a diligent search thereof. Copies of these IRS Certifications of Lack of Record were provided in discovery on or about October 10, 2023. Notice of intent to use this evidence as a self-authenticating record under Fed. R. Evid. 902 was filed on September 6, 2023 and on September 12, 2023. The Certifications are the following:

- (1) Certification of Lack of Record of a Form 941, Employer's Quarterly Federal Tax Return, for HM-UP Development Alafaya Trails, LLC, for each quarter ending March 31, 2019, June 30, 2019, September 30, 2019, December 31, 2019, March 31, 2020, June 30, 2020, September 30, 2020, December 31, 2020, March 31, 2021, June 30, 2021, September 30, 2021, and December 31, 2021 (as of the date of June 4, 2022);
- (2) Certification of lack of Record of a Form 940, Employer's Annual Federal Unemployment,

- for HM-UP Development Alafaya Trails, LLC, for the tax years ending on December 31, 2019, December 31, 2020, and December 31, 2021 (as of the date of June 4, 2022);
- (3) Certification of Lack of Record of a Form 941, Employer's Quarterly Federal Tax Return, for HM Four, LLC, for each quarter ending March 31, 2019, June 30, 2019, September 30, 2019, December 31, 2019, March 31, 2020, June 30, 2020, September 30, 2020, December 31, 2020, March 31, 2021, June 30, 2021, September 30, 2021, and December 31, 2021 (as of the date of June 4, 2022);
- (4) Certification of lack of Record of a Form 940, Employer's Annual Federal Unemployment, for HM Four, LLC, for the tax years ending on December 31, 2019, December 31, 2020, and December 31, 2021 (as of the date of June 4, 2022);
- (5) Certification of Lack of Record of a Form 1040, U.S. Federal Income Tax Return for Eric Sheppard, at 180 Bal Cross Drive, Bal Harbour, Florida 33154, for tax year ending on December 31, 2021 (as of the date of June 4, 2022);

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

BY: s/Aimee Jimenez
AIMEE C. JIMENEZ
Court No. A5500795
Assistant United States Attorney
99 N.E. 4th Street, 6th Floor
Miami, Florida 33132
Tel: (305) 961-9028
Fax: (305) 530-7976
Email: Aimee.Jimenez@usdoj.gov

CERTIFICATE OF SERVICE

I **CERTIFY** that on November 13, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

By: s/Aimee Jimenez
Aimee C. Jimenez
Assistant U.S. Attorney