

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.

**UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING AND
FOR EXTENSION OF SENTENCING RELATED DEADLINES**

Defendant Eric Dean Sheppard respectfully submits this Motion for Continuance of Sentencing Hearing and for Extension of Sentencing Related Deadlines. In support, Defendant states:

1. Sentencing in this matter is scheduled for May 8, 2024, at 9:30 a.m. [D.E. 211].
2. The draft presentence report (“PSR”) was provided to the parties last week, on April 3, 2024, while the defense was preparing for oral argument on post-trial motions. As the Court is aware, there was substantial post-trial briefing in this case that took many months.
3. Pursuant to the Court’s website, “[t]he parties shall file all motions for departure/variance and any objections to the presentence investigation report 14 days prior to the scheduled sentencing date.” Criminal Procedures, <https://www.flsd.uscourts.gov/content/judge-beth-bloom>. Moreover, it is the defense’s understanding that the Court’s paperless order at [D.E. 191] substantially shortened the briefing schedule, such that, in this case, motions for downward departure/variance and any objections to the PSR are due 14 days after disclosure of the PSR. [D.E. 191].

4. Pursuant to [D.E. 191], objections to the PSR and the Defendant's sentencing memorandum are *both* due on April 17.

5. The PSR is 36 pages long and contains approximately 56 single-spaced paragraphs, over 13-pages, of purported "Offense Conduct." Almost all the "Offense Conduct" in the PSR is highly disputed. Some of it is inaccurate. Beyond the "Offense Conduct," the PSR has numerous other problems, including its use of an inflated loss amount that is never explained and does not appear to tie back to any of the evidence or arguments from trial, requiring additional briefing.

6. In sum, there is a tremendous amount of work the defense still must do in objecting to the PSR, thoroughly reviewing the trial record to support the defense objections, and to prepare a sentencing memorandum addressing downward departure and other relevant issues.

7. In addition, co-counsel Howard Srebnick, Esq., who was retained post-trial to assist with sentencing, among other things, is unavailable for several weeks, as he is defense counsel in a criminal trial before Judge Kathleen M. Williams in Case No. 22-cr-20114. That trial began on April 8.¹

8. For this reason, Defendant respectfully requests 14-day continuance of the sentencing hearing and all sentencing related deadlines.

9. This extension is not sought for purposes of delay and will not prejudice any party.

10. Undersigned counsel met and conferred with counsel for the United States, who advised that the government has no objection to the relief sought in this Motion so long as Defendant also requests that the government's responses to Defendant's PSR objections and sentencing memorandum be due two weeks after filing, instead of one week per [D.E. 191], giving the government one extra week for its responses.

¹ As noted below, Mr. Srebnick is also unavailable May 30 and May 31.

WHEREFORE, Defendant respectfully requests a 14-day continuance of the sentencing hearing and all related sentencing deadlines, such that: (1) the sentencing would be continued to May 22, 2024 or later (except for May 30 or May 31); (2) Defendant's objections to the PSR and his sentencing memorandum would be due on May 1, 2024; and (3) the government's responses to Defendant's PSR objections and sentencing memorandum would be due on May 15, 2024.

Dated: April 10, 2024.

Respectfully submitted,

NELSON MULLINS

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 10, 2024, the foregoing document was filed via the Court's CM/ECF system to all counsel of record.

/s/ Christopher Cavallo
Christopher Cavallo