

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 1:22-cr-20290-BB-1

UNITED STATES OF AMERICA,

Plaintiff,

January 12, 2024
3:03 p.m.

vs.

ERIC DEAN SHEPPARD,

Defendant.

Pages 1 THROUGH 14

TRANSCRIPT OF TRIAL DAY 18
BEFORE THE HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE
And a Jury of 12

Appearances:

FOR THE GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE

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ANA MARIA MARTINEZ, AUSA
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Miami, Florida 33132

FOR THE DEFENDANT: SALE & WEINTRAUB, PA

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ALSO PRESENT:

Special Agent Sarah Halleran

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1 (Call to order of the Court, 3:03 p.m.)

2 THE COURT: Good afternoon to everyone.

3 Let me acknowledge the presence of the Defendant.

4 Go ahead and have a seat for just a moment.

5 I did receive a note from the jury that states: "We
6 have a decision," signed at 2:56 p.m.

7 Are there any issues we need to address before we
8 bring the jury in? On behalf of the Government?

9 MS. JIMENEZ: No, Your Honor.

10 THE COURT: On behalf of the Defendant?

11 MS. WEINTRAUB: No.

12 THE COURT: All right, then.

13 COURT SECURITY OFFICER: All rise for the jury.

14 (Before the Jury, 3:28 p.m.)

15 THE COURT: All right. Welcome back, Ladies and
16 Gentlemen.

17 Please be seated, everyone.

18 I have received a note from the jury that states as
19 follows: "We have a decision," signed by the foreperson at
20 2:56 p.m.

21 If the foreperson will provide the Verdict Form to the
22 court security officer, who will provide it to me.

23 Thank you.

24 (Verdict Form provided.)

25 (Pause in proceedings.)

1 THE COURT: I find the Verdict Form is legally
2 sufficient. There are no inconsistencies, errors, or
3 omissions, and I ask the courtroom deputy to publish the
4 verdict at this time.

5 COURTROOM DEPUTY: "United States District Court,
6 Southern District of Florida, Case Number 22-20290.

7 "United States of America v. Eric Sheppard.

8 "Verdict Form.

9 "We, the jury, unanimously find the Defendant Eric
10 Dean Sheppard, as to Count 1 of the Superseding Indictment, not
11 guilty.

12 "As to Count 2 of the Superseding Indictment, not
13 guilty.

14 "As to Count 3 of the Superseding Indictment, not
15 guilty.

16 "As to Count 4 of the Superseding Indictment, not
17 guilty.

18 "As to Count 5 of the Superseding Indictment, guilty.

19 "As to Count 6 of the Superseding Indictment, not
20 guilty.

21 "As to Count 7 of the Superseding Indictment, guilty.

22 "As to Count 8 of the Superseding Indictment, guilty.

23 "As to Count 9 of the Superseding Indictment, guilty.

24 "As to Count 10 of the Superseding Indictment, not
25 guilty.

1 "As to Count 11 of the Superseding Indictment, not
2 guilty.

3 "As to Count 12 of the Superseding Indictment, not
4 guilty.

5 "As to Count 13 of the Superseding Indictment, guilty.

6 "As to Count 14 of the Superseding Indictment, guilty.

7 "So say we all," signed by the foreperson on today's
8 date.

9 THE COURT: Thank you, Liz.

10 Does either side wish the jury to be polled?

11 MS. WEINTRAUB: Yes, Your Honor. We'd like them
12 polled.

13 COURTROOM DEPUTY: Members of the Jury, as I ask you
14 the following question, please answer out loud yes or no.

15 Ruth Lane, is the verdict as read your true verdict?

16 JUROR NUMBER 1: Yes.

17 COURTROOM DEPUTY: Carlton McEkron, is the verdict as
18 read your true verdict?

19 JUROR NUMBER 2: Yes.

20 COURTROOM DEPUTY: Alexis Pelaez, is the verdict as
21 read your true verdict?

22 JUROR NUMBER 4: Yes.

23 COURTROOM DEPUTY: Rebecca Perez, is the verdict as
24 read your true verdict?

25 JUROR NUMBER 5: Yes.

1 COURTROOM DEPUTY: Arturo Reboredo, is the verdict as
2 read your true verdict?

3 JUROR NUMBER 6: Yes.

4 COURTROOM DEPUTY: Yaileen Gonzalez, is the verdict as
5 read your true verdict?

6 JUROR NUMBER 8: Yes.

7 COURTROOM DEPUTY: David Mejia, is the verdict as read
8 your true verdict?

9 JUROR NUMBER 9: Yes.

10 COURTROOM DEPUTY: Erik Rivera, is the verdict as read
11 your true verdict?

12 JUROR NUMBER 10: Yes.

13 COURTROOM DEPUTY: Mirna Ochoa, is the verdict as read
14 your true verdict?

15 JUROR NUMBER 11: Yes.

16 COURTROOM DEPUTY: Evelyn Zaldivar, is the verdict as
17 read your true verdict?

18 JUROR NUMBER 12: Yes.

19 COURTROOM DEPUTY: Forgive me. Lodewijk Opdeweegh, is
20 the verdict as read your true verdict?

21 JUROR NUMBER 13: Yes.

22 COURTROOM DEPUTY: John Dunlop, is the verdict as read
23 your true verdict?

24 JUROR NUMBER 14: Yes.

25 COURTROOM DEPUTY: The jury has been polled.

1 THE COURT: Are there any items the attorneys wish to
2 address before I give comments to the jury and discharge the
3 jury?

4 MS. WEINTRAUB: Not from the Defense, Your Honor.

5 MS. JIMENEZ: Not from the Government, Your Honor.

6 THE COURT: Ladies and Gentlemen, I thank you for your
7 time and attention to this case. Certainly you have been here
8 for some time, and you have been diligent in your work, and for
9 that I thank you.

10 I also want to advise you of some very special
11 privileges enjoyed by jurors. No juror can ever be required to
12 talk about the discussions that occurred in the jury room,
13 except by court order. For many centuries, our society has
14 relied upon juries for consideration of difficult cases, and we
15 have recognized for hundreds of years that a jury's
16 deliberation, decision, and vote remain your own private
17 affair. A request may come from those who are simply curious
18 or from those who may seek to find fault with you.

19 As the days and weeks follow, I hope you will reflect
20 upon your service. And certainly it was a small inconvenience
21 to each of you, but it was a large contribution to our system
22 of justice, and for that I personally thank you.

23 We do have a very small token of the great
24 appreciation that we have for the time and attention that you
25 have spent on this case. It is a certificate of appreciation

1 that does memorialize the time that you have spent with us.

2 You have completed your work, and you are discharged
3 with the thanks of the Court.

4 Have a pleasant afternoon, a pleasant weekend, and a
5 happy and healthy new year.

6 COURT SECURITY OFFICER: All rise for the jury.

7 (Jury excused, 3:36 p.m.)

8 THE COURT: Have a seat, please.

9 Eric Sheppard, consistent with the jury's verdict,
10 with respect to Counts 1, 2, 3, 4, 6, 10, 11, and 12, having
11 found you not guilty, you are forever discharged from further
12 prosecution with regard to those charges.

13 Consistent with the jury's verdict finding you guilty
14 as to Counts 5, 7, 8, 9, 13, and 14, the Court adjudicates you
15 guilty. You will be remanded to the custody of the United
16 States marshal.

17 And with regard to the pending motions, I will expect
18 to receive written briefing from the parties, and I will place
19 the briefing on a very short time frame. Today obviously being
20 the 12th, I will require that the motion on behalf of the
21 Defendant be filed by the 19th, a response by the 26th, and a
22 reply by the 31st.

23 Is there anything further that we need to address at
24 this time?

25 MS. WEINTRAUB: Yes, Your Honor.

1 I'd like to discuss the Court's remand order. The
2 Government is not even requesting it. I spoke with the
3 Government prior to the verdict being read. They're not
4 requesting a remand. He's been on bond for almost two years.
5 His family is here. His life is here. He's never lived
6 anywhere but here. He has complied with each and every
7 pretrial release. He has successfully been on bond for two
8 years.

9 To be blunt, we need him to help with preparing for
10 sentencing, and it would be very inconvenient if we can't meet
11 with him in person all together to do that with the evidence
12 and the boxes and mounds of discovery that -- we want to be
13 able to put together a meaningful sentencing memorandum and a
14 motion for new trial. It would be very difficult to do without
15 our client's assistance in person, and especially because the
16 Government is not asking for remand and it is a split,
17 inconsistent verdict.

18 Yesterday, they said they couldn't even reach a
19 verdict. It's obviously a compromise. We've all seen this
20 before. And I'm quite surprised that the Court, without the
21 Government even asking, is going to remand him.

22 So at this point we would ask, most respectfully, for
23 the Court to reconsider that, and ask the Government for their
24 position on the record perhaps, but I would urge this Court not
25 to remand him.

1 THE COURT: All right. Is that correct, Ms. Jimenez?
2 Is that the Government's position now that the jury has found
3 the Defendant guilty of six counts in the Indictment?

4 MS. JIMENEZ: I defer to the Court wholeheartedly,
5 Your Honor.

6 THE COURT: Well, I want to make sure, because if
7 there was a representation made to either Ms. Weintraub or
8 Mr. Etra on behalf of the Government, then they've relied upon
9 that representation. So has that representation been made by
10 you?

11 MS. JIMENEZ: They asked if I was going to request it
12 and I said no.

13 MS. MARTINEZ: They asked just this morning.

14 MS. WEINTRAUB: Doesn't matter when I asked. I asked.

15 THE COURT: Right. So was the response that the
16 Government was not seeking remand?

17 MS. JIMENEZ: They asked if I was going to request it
18 and I said no.

19 THE COURT: Oh. Well, then Ms. Weintraub is accurate,
20 that even though the jury has found the Defendant guilty of six
21 counts -- is the Government in agreement that Mr. Sheppard has
22 complied with all pretrial conditions, he is not a risk of
23 flight, and that the magistrate judge has placed sufficient
24 monetary and non-monetary conditions to secure his appearance
25 at the time of sentencing?

1 MS. JIMENEZ: As I stand here today, Your Honor, I
2 have to go -- I don't know exactly what his conditions are
3 because they have been modified.

4 Do you know? Can someone state on the record what his
5 conditions currently are?

6 MR. ETRA: Generally, Your Honor, he reports to
7 pretrial services. Travel is limited to here through Orlando,
8 and there's been some travel to Michigan for his daughter and
9 Philadelphia for his daughter's surgery. I don't remember if
10 that's something that was in the bond or something we get all
11 the time. That's basically what's been going on.

12 MS. JIMENEZ: Well, I think he should be limited to
13 the Southern District of Florida. I don't know what other
14 accommodations have been made.

15 THE COURT: My question is not with regard to the
16 Court modifying any conditions. I'm merely asking if the
17 Government made a representation that it was not asking the
18 Court for a remand -- and the Government has acknowledged that
19 there are exceptional circumstances that may exist. And my
20 question was merely: Do those circumstances include the fact
21 that Mr. Sheppard has fully complied with the conditions set
22 forth by the magistrate judge?

23 And to the extent that that is the Government's
24 position, then I see no reason why the Court should not honor
25 the agreement of counsel because the Government is satisfied

1 and certainly the Court will honor it.

2 Is that correct, Ms. Jimenez?

3 MS. JIMENEZ: Yes, Your Honor.

4 THE COURT: All right, then.

5 May I have a sentencing date, Liz?

6 (Pause in proceedings.)

7 COURTROOM DEPUTY: April 5th at 9:30.

8 THE COURT: All right. The Court will set sentencing
9 to take place on April 5th at 9:30 a.m. in this courtroom.

10 Mr. Sheppard, between now and then you and
11 Ms. Weintraub and/or Mr. Etra will be meeting with a Probation
12 officer that will ask many questions in order to complete a
13 Presentence Investigation Report. I would ask that you respond
14 and answer the questions thoroughly, since the Court will be
15 relying upon your answers.

16 Following the completion of the report, you, as well
17 as the Government, will have a full opportunity to review the
18 report and file any objections to its accuracy.

19 At the time of the sentencing hearing, which, once
20 again, is April 5th at 9:30 a.m. in this courtroom, if there
21 are individuals that you would like to have present to speak on
22 your behalf, or individuals to support you, please advise those
23 individuals of the date and time of the hearing. As well,
24 Mr. Sheppard, I certainly do invite you, if there is anything
25 that you would like to say, certainly that would be the

1 appropriate time.

2 At this point in time, the Court will permit you,
3 Mr. Sheppard, to remain on the same pretrial release conditions
4 that were established by the magistrate judge. Those pretrial
5 release conditions remain from this point forward until you
6 appear before this Court on April 5th at 9:30 a.m. Is that
7 understood, sir?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Is there anything further on behalf of
10 Mr. Sheppard?

11 MS. WEINTRAUB: No, Your Honor. Thank you.

12 THE COURT: Is there anything further on behalf of the
13 Government?

14 MS. JIMENEZ: No. No, Your Honor.

15 THE COURT: Okay. Have a good weekend. We'll see you
16 at that time.

17 I know the parties would like a copy of the Verdict
18 Form, so the courtroom deputy will make one for you.

19 MS. MARTINEZ: Have a good weekend, Your Honor. And
20 to all the staff, thank you.

21 THE COURT: To you as well.

22 (Proceedings concluded at 3:44 p.m.)
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1 UNITED STATES OF AMERICA)

2 ss:

3 SOUTHERN DISTRICT OF FLORIDA)

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in
6 and for the United States District Court for the Southern
7 District of Florida, do hereby certify that I was present at,
8 and reported in machine shorthand, the proceedings had the 12th
9 day of January, 2024, in the above-mentioned court; and that
10 the foregoing transcript is a true, correct, and complete
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages
13 1 - 14.

14 IN WITNESS WHEREOF, I have hereunto set my hand at
15 Miami, Florida, this 25th day of February, 2025.

16
17 /s/Yvette Hernandez
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