

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:21-cr-74-TPB-MRM

AMBER REWIS BRUEY

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant, by consent,¹ appeared before me by video conferencing pursuant to Fed. R. Crim. P. 11, M.D. Fla. R. 1.02, and the Court's Administrative Orders, [Case No. 8:20-mc-25](#), Docs. [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#) and [9](#) (the Administrative Orders),² and entered a plea of guilty to Counts One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen of the Indictment (Doc. 3).

¹ Defendant consented on the record and in writing to a United States Magistrate Judge conducting the plea hearing and waived the right to have the plea hearing before a United States District Judge. (Doc. 65).

² The Administrative Orders implement the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (the CARES Act), and the March 27, 2020 action by the Judicial Conference of the United States, by authorizing judges to conduct certain proceedings by video conferencing if the defendant consents after conferring with counsel. *See In re The National Emergency Declared on March 13, 2020*, [Case No. 8:20-mc-25](#), Administrative Orders at Doc. [1](#) (Mar. 29, 2020), Doc. [2](#) (June 29, 2020), Doc. [3](#) (Sept. 22, 2020), Doc. [4](#) (Nov. 23, 2020), Doc. [5](#) (Feb. 24, 2021), Doc. [6](#) (May 24, 2021), Doc. [7](#) (June 25, 2021), Doc. [8](#) (Aug. 20, 2021), Doc. [9](#) (Oct. 28, 2021), Doc. [10](#) (Jan. 21, 2022).

A. Authority to Conduct the Plea Hearing by Video Conferencing

The Defendant, after consultation with counsel, consented to proceed with the plea hearing by video conferencing (*see* Doc. 65) and Defendant confirmed the same on the record at the hearing. The United States did not object to conducting the plea hearing by video conferencing.

Pursuant to the Administrative Orders, the Undersigned finds and recommends that the plea in this case could not be further delayed without serious harm to the interests of justice because:

1. delaying the proceedings further to accommodate an in-person plea hearing is impracticable given that there is no ascertainable end to the current National Emergency stemming from the COVID-19 virus, and the interests of justice will be seriously harmed by prolonged, indefinite delays of the plea hearing in light of Defendant's stated desire to plead guilty; and
2. proceeding with the plea hearing by video conferencing at this time reduces the potential that any necessary participant in the hearing – including, specifically, the Defendant, Defendant's counsel, the lead Assistant United States Attorney, and/or the lead case agent(s) – may become unavailable or unable to attend a plea hearing in-person due to illness.

The use of video conferencing to conduct the plea hearing was, therefore, authorized under the Administrative Orders.

For these reasons, I **RECOMMEND** the presiding United States District Judge approve and adopt the use of video conferencing for the plea hearing.

B. Acceptance of the Plea

After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable

and voluntary as to Counts One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen, and that the offenses charged are supported by an independent basis in fact containing each of the essential elements of each Count. I, therefore, **RECOMMEND** that the plea of guilty be accepted, that the Defendant be adjudged guilty, and that sentence be imposed.

C. Sentencing

During the video-conference plea hearing, the Undersigned inquired whether Defendant also consents to proceed with the sentencing by video conferencing and to waive in-person attendance at the sentencing. Defendant, through counsel, stated on the record that Defendant **does not** consent to proceed with the sentencing by video conferencing.

D. Waiver of Objection Period

The parties waived the fourteen-day objection period to this Report and Recommendation on the record at the video-conference hearing and in writing (Docs. 65, 67).

Respectfully **RECOMMENDED** in Fort Myers, Florida on March 16, 2022.



Mac R. McCoy
United States Magistrate Judge

Copies furnished to:
Presiding District Judge
Counsel of Record
Unrepresented Parties