

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:21-cr-74-TPB-KCD

AMBER REWIS BRUEY

MOTION FOR A 90-DAY EXTENSION OF AMBER
REWIS BRUEY'S APRIL 1, 2023, REPORT DATE

COMES NOW, the defendant, Amber Rewis Bruey, by and through undersigned appellate counsel. Due to changes in her circumstances, Ms. Bruey hereby moves this Honorable Court for an order to continue her April 1, 2023, report date for 90 days to June 30, 2023. In support thereof, Ms. Bruey states:

1. Ms. Bruey pleaded guilty to Counts One through Eleven, and Fourteen to Eighteen, of an indictment charging her with various fraud offenses. Docs. 109, 132.

2. On July 13, 2022, this Honorable Court sentenced Ms. Bruey to 48 months' imprisonment in the Bureau of Prisons (BOP). Doc. 134 at 18.

3. At the time of her sentence, as the Court is aware, Ms. Bruey was pregnant and due to deliver her baby in mid-February 2023. Doc. 143 at 18. In imposing its sentence, this Court kindly permitted Ms. Bruey to remain

released, with conditions, post-judgment, to accommodate her pregnancy and allow her an opportunity to spend time with her newborn after the birth. *Id.*

4. At sentencing, this Court stated “[i]f it turns out something goes wrong with that pregnancy, which God forbid, I’m not hoping for that, but if something does, we’ll need to know about that, and her turn-in date needs to be reevaluated.” *Id.* Unfortunately, Ms. Bruey’s pregnancy was far more complicated than anticipated.

5. Ms. Bruey’s pregnancy was plagued with substantial health problems, including preeclampsia with severe features of pulmonary edema and orthopnea. *See* Pulmonary edema, Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/pulmonary-edema/symptoms-causes/syc-20377009> (last visited March 14, 2023) (“Pulmonary edema is a condition caused by too much fluid in the lungs. This fluid collects in the many air sacs in the lungs, making it difficult to breathe.”); *see also* What Is Orthopnea?, WebMD, <https://www.webmd.com/lung/lung-what-is-orthopnea> (last visited March 14, 2023) (“Orthopnea means you find it harder to breathe when you lie down because of fluid in your lungs Orthopnea usually happens because your heart isn’t strong enough to pump out all the blood sent from your lungs. This is called heart failure.”); Preeclampsia Foundation, <https://www.preeclampsia.org/>, (last visited Mar. 14, 2023) (Preeclampsia is a

serious, life-threatening hypertensive disorder that occurs during pregnancy and the postpartum period, more often characterized by a rapid rise in blood pressure that can lead to seizure, stroke, multiple organ failure, and even the death of the mother and/or baby).

6. Due to her health problems, including hypertension, Ms. Bruey was on bedrest for the last month of her pregnancy. She was induced early and prematurely gave birth to her child on January 21, 2023 (at 35 weeks) because of preeclampsia “with severe features.”

7. Following the birth of her youngest child, Ms. Bruey had to be readmitted at the hospital for worsening shortness of breath. Ms. Bruey has since continued to have medical issues that have arisen due to her heart and chronic persistent asthma.

8. Ms. Bruey’s premature baby has also had continuous medical evaluations, especially for issues related to her heart. Most recently, she had a cardiac appointment for a patent foramen ovale. *See* Patent foramen ovale, Mayo Clinic, [https:// www.mayoclinic.org/diseases-conditions /patent-foramen-ovale/symptoms-causes/syc-20353487](https://www.mayoclinic.org/diseases-conditions/patent-foramen-ovale/symptoms-causes/syc-20353487) (last visited Mar. 14, 2023) (“A patent foramen ovale (PFO) is a hole in the heart that didn't close the way it should after birth.” While a PFO may not cause complications itself, people with a

PFO may have other heart defects, including low blood oxygen or the possibility of an ischemic stroke).

9. In addition to Ms. Bruey's own health problems, and those related to the premature birth of her youngest child, two of her sons have recently undergone testing for Autism Spectrum Disorder after Ms. Bruey was sentenced in this case.

10. A psychological evaluation from Kathleen Roszyk (MSc) and William La Valle (Psy.D), indicate Ms. Bruey's second youngest child has been diagnosed with Autism Spectrum Disorder, scoring in the Severe Symptoms of Autism Spectrum Disorder on the Childhood Autism Rating Scale-Second Edition (CARS2). In addition to outlining his difficulty with socialization, speech and communication, sensory behaviors, and weight, the psychological evaluation outlined 20 pages of guidelines and strategies that would improve Ms. Bruey's son's behaviors at home and at school. Ms. Bruey needs additional time to put those strategies into place and get her son used to the new structure and schedule.

11. The evaluation also revealed that Ms. Bruey's son "is at his best when no one else is around besides Ms. Bruey." The report indicates that "Ms. Bruey must be the person to give [name redacted] his food and drink; otherwise, [h]e will have a meltdown and not eat." Given her son's strong

attachment to her, Ms. Bruey needs additional time to acquaint her son to the caretaker who will be fostering the children while she is in prison.

12. Given the circumstances that have changed since Ms. Bruey's sentencing, undersigned counsel respectfully requests this Court continue Ms. Bruey's current report date of April 1, 2023, by 90 days to June 30, 2023.

13. This request is made for numerous reasons. First, it allows Ms. Bruey the opportunity to continue to attend medical appointments for herself following the premature birth of her child, which would be severely disrupted if she were to report to the BOP on her current report date in April 2023. Ms. Bruey's physicians have discussed the importance of close postpartum surveillance and the resources she needs, including appointments with cardiology, neurology, and psychiatry that extend close to her current surrender date. *See* Labor and delivery, postpartum care, Mayo Clinic, [https://www.mayoclinic.org/healthy-lifestyle/labor-and-delivery/in-depth/postpartum-complications/art-0446702#:~:text=Common%20postpartum%20complications&text=Cardiovascular%20diseases,bleeding%20after%20giving%20birth%20\(hemorrhage\)](https://www.mayoclinic.org/healthy-lifestyle/labor-and-delivery/in-depth/postpartum-complications/art-0446702#:~:text=Common%20postpartum%20complications&text=Cardiovascular%20diseases,bleeding%20after%20giving%20birth%20(hemorrhage)) (last visited March 14, 2023) (outlining complications after childbirth, including the greater risk of dying for those with chronic conditions like cardiac disease and high blood pressure).

14. Further, this request allows Ms. Bruey—the sole caretaker of her five minor children—to continue to care for the children until the beginning of the summer. With the autism diagnosis for one of her sons, and the autism testing of another, this three-month period would allow Ms. Bruey to complete the testing and establish the groundwork for the support her children need to develop with new therapies and routines. It would also allow Ms. Bruey to continue to attend to her youngest child’s medical appointments after the premature birth.

15. Counsel spoke with Ms. Bruey’s Probation Officer, Stephen Larson. Officer Larson has been supervising Ms. Bruey since May 2022.¹ Officer Larson was aware of Ms. Bruey’s health problems and stated that Ms. Bruey has been diligently contacting him every Friday since the supervision began, even while she was hospitalized. Officer Larson indicated that he last saw Ms. Bruey on an unannounced visit on February 10, 2023. He stated that Ms. Bruey was at the home, with all of her children, as required by the conditions of her release. Though Officer Larson gave no formal opinion regarding an extension to Ms. Bruey’s surrender date, he stated he had no reason to believe Ms. Bruey would have issues with the continued compliance of her release requirements.

¹ Undersigned counsel called Officer Larson on March 9, 2023.

16. Counsel contacted AUSA Trenton Reichling who advised that he spoke with his supervisor and opposed the 90-day extension.

17. Ms. Bruey has not yet received her BOP designation.

18. This Court has broad discretion to grant an extension of a defendant's report date for service of sentence. Good cause has been shown here to support such a continuance.

CONCLUSION

For the reasons stated above, Ms. Bruey respectfully requests that this Honorable Court extend her surrender date by 90 days, from April 1, 2023 to June 30, 2023.

Respectfully submitted,

A. Fitzgerald Hall, Esq.
Federal Defender, MDFL

/s/ Shehnoor Kaur Grewal
Shehnoor Kaur Grewal
Research and Writing Attorney
Utah Bar Number 14662
2075 W. First Street, Suite 300
Fort Myers, Florida 33908
Telephone: (239) 334-0397
E-mail: shehnoor_grewal@fd.org
Appellate Counsel for Ms. Bruey

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that undersigned electronically filed the foregoing with the Clerk of Court (CM/ECF) by using the CM/ECF system which will send a notice of electronic filing to Trenton Reichling, Assistant United States Attorney, this 14th day of March 2023.

/s/ Shehnoor Kaur Grewal
Shehnoor Kaur Grewal