

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

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

AMBER REWIS BRUEY

**UNITED STATES' RESPONSE IN OPPOSITION TO
DEFENDANT'S AMENDED MOTION FOR A 90-DAY
EXTENSION OF HER PRISON REPORT DATE**

The United States responds in opposition to defendant Amber Bruey's (Bruey) amended motion for a 90-day extension of her prison report date. Doc. 144. Bruey's request for an additional 90-day delay of her surrender to the Bureau of Prisons (BOP) is unreasonable in light of the fact that Bruey has had since July 13, 2022, to prepare for her surrender. Additionally, Bruey has not submitted medical records to the Court that corroborate the health issues outlined in her motion. Bruey's amended motion should respectfully be denied.

BACKGROUND

On March 16, 2022, Bruey pleaded guilty to an Indictment that charged her with Conspiracy to Commit Wire Fraud (18 U.S.C. § 1349), ten counts of Wire Fraud (18 U.S.C. § 1343), Conspiracy to Commit Money Laundering (18 U.S.C § 1956(h)), and four counts of Illegal Monetary Transactions (18

U.S.C. § 1957). Doc. 69. The crimes, related to Paycheck Protection Program (PPP) and Economic Injury Disaster Loan (EIDL) fraud committed by Bruey and her husband and co-defendant, Anthony Bruey, in 2020. Doc. 3. On May 18, 2022, the United States Probation Office (USPO) filed Bruey's initial Presentence Investigation Report (PSR), which calculated her sentencing guidelines range as 63 to 78 months of imprisonment. Initial PSR ¶ 109. The same guidelines calculation was also contained in the final PSR, filed June 16, 2022. Final PSR ¶ 111.

At Bruey's initial sentencing hearing, on June 24, 2022, Bruey informed the Court that she was pregnant. Doc. 133 at 58-59. Bruey was thereafter sentenced to 48 months of imprisonment on July 13, 2022, at her continued sentencing hearing. Docs. 108, 109. The Court, in considering Bruey's pregnancy and due date in February 2023, gave her a surrender date of April 3, 2023. Doc. 133 at 18-19. Bruey was designated to FPC Alderson by BOP on March 7, 2023.

ARGUMENT

Bruey now seeks a 90-day extension of her prison report date because of health problems related to her premature pregnancy and her children's health issues. *See* Doc 144. Before filing her motion, Bruey's counsel reached out to the government to get its position on a 90-day extension. The government

asked Bruey's counsel for medical records, so that it could determine the legitimacy of the request. Bruey's counsel provided medical records only related to Bruey's medical treatment before and after her pregnancy. Records related to Bruey's most recent medical visit, dated March 3, 2023, do not appear to present medical issues that would prevent her from surrendering to BOP. Specifically, the medical records noted she had good respiration efforts that were not labored, and that she was a well-appearing female in no acute distress. The government did not see a record of heart or asthma issues in Bruey's March 3rd medical visit, which Bruey claims as a basis for a further delayed surrender. Doc. 144 at 3. Bruey also requests a 90-day delay so that she can continue her medical treatments. *Id.* at 5. There is no reason to believe that Bruey cannot continue to seek medical treatment in BOP custody. Bruey can submit her medical records to BOP and make requests for medical treatment.

In addition to Bruey's own medical issues, she requests a 90-day delay of her surrender because of the health of her children. Neither the government, nor the Court, have been provided with medical records for Bruey's children. Without these records, the government can only rely on Bruey's representations of her children's health. Given Bruey's history of fraud, the government would need to see her children's medical records before

considering Bruey's request. Moreover, as contained in Bruey's Final PSR, she has been aware of one of her child's separation anxiety issues, as well as other physical health issues suffered by her children, well before being sentenced to prison in this case. Doc. 97 at ¶ 82.

Bruey became pregnant after pleading guilty to serious federal felony offense on March 16, 2022. She has also been on notice of an impending prison sentence since at least May 18, 2022, the date of her initial PSR. Further, on July 13, 2022, the Court gave Bruey a considerable amount of time, until April 3, 2023, to make arrangements for the care of her children. The government fears that Bruey will find further reason to delay surrender if the Court were to grant her request, which is why it opposes Bruey's requested delay.

CONCLUSION

The United States respectfully requests that the Court deny Bruey's amended motion for a 90-day extension of her prison report date.

Respectfully submitted,

ROGER B. HANDBERG
United States Attorney

By: /s/ Trent Reichling
Trenton J. Reichling
Assistant United States Attorney
Florida Bar No. 0084601
2110 First Street, Suite 3-137
Ft. Myers, Florida 33901
Telephone: (239) 461-2200
Facsimile: (239) 461-2219
E-mail: Trenton.Reichling@usdoj.gov

U.S. v. Amber Rewis Bruey

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

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Shehnoor Kaur Grewal
Shehnoor_Grewal@fd.org

/s/ Trent Reichling
Trenton J. Reichling
Assistant United States Attorney