UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-MJ-03237-BECERRA

UNITED STATES OF AMERICA

vs.

DAVID TYLER HINES,

Defendant.
_______________________________________/

<u>RESPONSE TO MOTION TO VACATE COMPETENCY EVALUATION</u>

The United States, by and through the undersigned, hereby files the following response to the Motion to Vacate Order for Competency Evaluation (the "Motion") (DE 15) to assist the court in its evaluation.

The Competency Motion

On August 11, 2020, the government and prior defense counsel (Chad Piotrowski) made a joint *ore tenus* motion for a competency evaluation. Mr. Piotrowski has represented Mr. Hines in numerous prior state court matters. Mr. Piotrowksi advised the undersigned that the defendant had been involuntarily committed pursuant to the Baker Act on two prior occasions. On or about September 2, 2020, the Honorable Alicia M. Otazo-Reyes entered an order for a competency evaluation. (DE 11). Defendant's new counsel has now filed the Motion to vacate this order.

Defendant's Personal History

The following facts are derived from the pre-trial services report. The defendant is a 29-year old male who indicated to pre-trial services that his highest level of education is the eighth grade. The defendant has nineteen prior arrests since the age of eighteen. The defendant has a domestic violence restraining order for petitioner Brianna Rodriguez from January 2019 and a separate restraining order for petitioner Jeanne Luis from January 2019. The defendant has a history of drug use of Adderall and Xanax from approximately 2018 to approximately June 2020.

The Offense Conduct

The complaint alleges that the defendant received approximately $3.9 million in PPP loans through applications to an insured financial institution on behalf of different companies. In the PPP loan applications, the defendant claimed to have at least 70 employees and monthly payroll of approximately $1.5 million. A review of the defendant's companies' bank accounts showed monthly inflows and outflows averaging around $200,000. Moreover, the Florida Department of Revenue had no record of wage information paid to any employees of defendant's companies. The records show that defendant purchased a Lamborghini for approximately $318,000 after receiving these funds.

Additional Facts

At the time of defendant's arrest, the defendant indicated to the arresting agents that his emergency contact was god. In or around July 2020, the defendant sent a number of messages to Bank of America employees with communications that Bank of America perceived as harassing / threatening. (See, e.g. Ex. A). In addition, in September 2020, the defendant sent a series of emails to the undersigned despite being represented by counsel at the time. (See Ex. B).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 6, 2020, I filed the foregoing document with the Court via CM/ECF.

/s Michael N. Berger
Assistant United States Attorney