

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,	) Fort Myers, Florida
	)
	) Case 2:21-CR-74-JLB-MRM
Plaintiff	)
	) Friday, September 17, 2021
vs.	)
	) 2:25 p.m. to 2:46 p.m.
ANTHONY JAMES BRUEY, and	)
AMBER REWIS BRUEY,	)
	)
Defendants.	)
_____	)

TRANSCRIPT OF INITIAL APPEARANCE AND ARRAIGNMENT

HELD BEFORE THE HONORABLE MAC R. MCCOY,

United States Magistrate Judge

Official Court Reporter:
Jeffrey G. Thomas, RPR, CRR
2110 First Street, Suite 2-194
Fort Myers, FL 33901
Telephone: (239) 461-2033

(Proceedings recorded by Digital Recording Equipment.
Transcript produced using computer-aided transcription.)

A P P E A R A N C E S

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BY: JAMES LAPPAN, ESQ.

ALSO PRESENT:

RUBEN FOURNIER, Pretrial Services Officer

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* * * P R O C E E D I N G S * * *

- - -

THE COURT: Good afternoon.

Madam Deputy, please call the case.

COURTROOM DEPUTY: Calling Case 2:21-CR-74-JLB-MRM,
United States of America versus Amber and Anthony Bruey.

THE COURT: Good afternoon, counsel. Please state
your appearances. Let's start with counsel for the United
States.

MR. REICHLING: Good afternoon, Your Honor. Trent
Reichling on behalf of the United States.

THE DEFENDANT: Good afternoon. And for the Federal
Public Defender's Office?

MR. LAPPAN: Good afternoon, Your Honor. Jim Lappan
from the Federal Defender's Office.

THE COURT: Good afternoon. And we have Mr. Landon
Miller here, as well, at the Court's request, as potential CJA
counsel. Mr. Miller, if you'll state your appearance?

MR. MILLER: Landon Miller on behalf of Anthony
Bruey.

THE COURT: Good afternoon.

Good afternoon, Mr. and Mrs. Bruey.

AMBER BRUEY: Good afternoon.

ANTHONY BRUEY: Good afternoon, Your Honor.

THE COURT: We're here for an initial appearance

1 following, as I understand it, Mr. and Mrs. Brueys' arrest and
2 initial appearance in the removing district, but they're here
3 today in response to a multi-count indictment returned in this
4 court. Do I have the posture correct from counsel's
5 perspective? Mr. Reichling, from the United States?

6 MR. REICHLING: Yes, Your Honor.

7 THE COURT: Mr. Lappan?

8 MR. LAPPAN: Yes, Your Honor.

9 THE COURT: Mr. Miller.

10 MR. MILLER: Yes, Your Honor.

11 THE COURT: For the record, all participants are
12 appearing by video conference under the authority granted by
13 this Court's administrative orders implementing the CARES Act.

14 Counsel, before we go any further, have you had an
15 opportunity to discuss with Mr. and Mrs. Bruey their right to
16 have this hearing in person? Mr. Lappan, I'll start with you.

17 MR. LAPPAN: I have, Your Honor.

18 THE DEFENDANT: And, so the record is clear, you
19 discussed it with Ms. Bruey; is that correct?

20 MR. LAPPAN: I did, Your Honor.

21 THE COURT: Thank you.

22 Mr. Miller, same question as to Mr. Bruey.

23 MR. MILLER: Yes, Your Honor, I did discuss it with
24 him, and he wants to proceed by way of video.

25 THE COURT: Mr. Lappan, so that the record is clear,

1 does Mrs. Bruey also consent to proceed by video?

2 MR. LAPPAN: She does, Your Honor.

3 THE COURT: Mr. and Mrs. Bruey, I need to address you
4 directly at this time. It's important that you understand that
5 you have the right to have this hearing in person, physically
6 in a courtroom, in front of me, with your counsel present, and
7 with the prosecutor present.

8 The attorneys who are here today have told me they've
9 discussed these matters with you, and after that conversation
10 you each agreed to proceed by video today; but I want to make
11 sure that you understand that, by agreeing to proceed by video
12 today, you will waive your right to have this hearing in
13 person.

14 I also want to make sure that you understand that, by
15 agreeing to proceed by video today, you would not lose your
16 ability to speak privately with counsel at any point, because,
17 if you want do that, you can feel free to interrupt me, I'll be
18 happy to pause the proceeding and give you as much time as you
19 need to speak privately with your respective counsel, using the
20 video conferencing system.

21 Mr. and Mrs. Bruey, do you understand these things?
22 I'll start with Mr. Bruey.

23 ANTHONY BRUEY: Yes, Your Honor.

24 THE COURT: Mrs. Bruey?

25 AMBER BRUEY: Yes, Your Honor.

1 THE COURT: Do you consent to proceed by video today?
2 Mr. Bruey?

3 ANTHONY BRUEY: Yes, sir, Your Honor.

4 AMBER BRUEY: Yes, Your Honor.

5 THE COURT: The Court finds that it can proceed by
6 video today with this initial appearance and related
7 proceedings, again under the authority granted by the Court's
8 administrative orders implementing the CARES Act, in light of
9 the defendants' consent to proceed by video.

10 As I mentioned at the outset of the hearing, Mr. and
11 Mrs. Bruey, you are here today because you are charged with
12 certain felonies by a federal indictment filed in this court.
13 I know you have both had your initial appearance in another
14 court recently. We're going to review some of the same things
15 that that other court reviewed with you just to ensure that
16 you're advised of your rights, and we're going do the following
17 things today.

18 First, I'm going to ensure that you are advised of
19 the charges against you, as well as the penalties you face, and
20 also the rights that you have in connection with these
21 proceedings here in the Middle District of Florida. Those
22 include your right to remain silent and your right to be
23 represented by an attorney.

24 I'll determine if the Court will adopt the bond set
25 for each of you in the other court, or if we need to schedule

1 another hearing at which point the bond will be discussed.
2 We'll do that. I may also set further deadlines or hearings in
3 your case.

4 But first, Mr. and Mrs. Bruey, the Court must advise
5 you that you have a constitutional right to remain silent. You
6 do not have to make a statement. You do not have to give a
7 statement, at any time, to any law enforcement agent. If you
8 do you make a statement, anything you say can be used against
9 you including at later proceedings in this case. If you have
10 made a statement in the past, you do not need to make a
11 statement in the future.

12 Mr. and Mrs. Bruey, do you each understand your right
13 to remain silent? Let me start with Mr. Bruey.

14 ANTHONY BRUEY: Yes, Your Honor.

15 THE COURT: Mrs. Bruey?

16 AMBER BRUEY: Yes, Your Honor.

17 THE COURT: You're also entitled to an attorney in
18 this case, and by that I mean you are each entitled to separate
19 counsel. You may consult with your respective attorneys and be
20 represented in all stages of these proceedings both in and out
21 of court. Your attorneys may be present during any questioning
22 of you by law enforcement authorities.

23 You have the right to retain counsel of your own
24 choosing, but if you cannot afford an attorney, the Court will
25 appoint one for each of you at no cost to you. You also have

1 the right to represent yourselves, if that's what you want to
2 do.

3 Do you understand your right to an attorney and your
4 right to proceed without an attorney, Mr. Bruey?

5 ANTHONY BRUEY: Yes, Your Honor.

6 THE COURT: Mrs. Bruey?

7 AMBER BRUEY: Yes, Your Honor.

8 THE COURT: Do you want the Court to appoint a lawyer
9 for you today for purposes of the proceedings to occur here in
10 the Middle District of Florida? Mr. Bruey?

11 ANTHONY BRUEY: Yes, Your Honor.

12 AMBER BRUEY: Yes, Your Honor.

13 THE DEFENDANT: I know you have each had
14 communication with the attorneys who are on the video
15 conference today, and what I need to do is formalize the
16 appointment of counsel to represent you now that you've asked
17 me to do so. To do that, however, I have to confirm on the
18 record that you are financially eligible for court appointed
19 counsel. So if you would please each raise your right-hand so
20 I can place you both under oath and ask you questions about
21 your financial circumstances.

22 Do you solemnly swear to tell the truth, whole truth,
23 nothing but the truth, in response to the Court's questions
24 today regarding your financial circumstances? Mr. Bruey?

25 ANTHONY BRUEY: Yes, Your Honor.

1 THE DEFENDANT: Mrs. Bruey?

2 AMBER BRUEY: Yes, Your Honor.

3 THE COURT: Thank you. You may lower your hand.

4 Mr. Bruey, I'll start with you, sir. I understand
5 you are currently self-employed; is that correct?

6 ANTHONY BRUEY: Yes, sir.

7 THE COURT: I understand, based on the result of your
8 interview by the United States Pretrial Services Office, that
9 you approximate your monthly income to be about \$4,000
10 per month from the business; is that correct?

11 ANTHONY BRUEY: Yes, sir.

12 THE COURT: I also understand that you estimate your
13 total expenses per month to be around \$3,935. Is that an
14 accurate approximation?

15 ANTHONY BRUEY: Yes, Your Honor.

16 THE COURT: Sir, do you own any other assets,
17 including any land or vehicles, that could be used to pay for
18 an attorney in this case?

19 ANTHONY BRUEY: We have a . . . a home that's under
20 contract that we haven't been able -- everything --
21 they're . . . giving us issues about -- the title company is
22 not wanting to finance it, a house that we're trying to sell.
23 So other than that, no, sir.

24 THE COURT: Okay. Sir, I want to try to understand
25 what you just said. Do you, in fact, own a home at this time?

1 ANTHONY BRUEY: Yes, sir, Your Honor.

2 THE COURT: And where is that home located? Is it
3 here in Florida?

4 ANTHONY BRUEY: Yes, Your Honor.

5 THE COURT: And you're trying to sell it; is that
6 correct?

7 ANTHONY BRUEY: Yes, Your Honor.

8 THE COURT: Do you know the approximate value of that
9 home?

10 ANTHONY BRUEY: I think it's right around 250.

11 THE COURT: Do you own that jointly with your wife?

12 ANTHONY BRUEY: Yes, sir, Your Honor.

13 THE COURT: Do you own any other property or
14 vehicles?

15 ANTHONY BRUEY: This house in North Carolina that
16 we're at, but we're not sure about what's gonna happen,
17 so

18 THE COURT: My question for you at this time, sir, is
19 do you technically own that home?

20 ANTHONY BRUEY: Yes, Your Honor.

21 THE COURT: And what would be the approximate value
22 of the home?

23 ANTHONY BRUEY: 211,000.

24 THE DEFENDANT: You said the Florida home is
25 currently under contract, but the status is uncertain?

1 ANTHONY BRUEY: Yes, sir. It's -- we're trying to
2 get some details worked out, but, yes, sir, it was supposed to
3 close today, and it's pushed back.

4 THE COURT: Let me ask you this: Do you have any
5 money in any bank accounts, savings accounts, checking
6 accounts, or investment accounts?

7 ANTHONY BRUEY: Yes, Your Honor.

8 THE COURT: Can you estimate how much you have?

9 ANTHONY BRUEY: Our business account has about
10 19,000.

11 THE COURT: That's a business account, you said?

12 ANTHONY BRUEY: Yes, sir.

13 THE COURT: Do you have any other personal accounts
14 that have cash in them?

15 ANTHONY BRUEY: Personal account has about 4,000.

16 THE COURT: Any other assets that you have that you
17 haven't mentioned to me, Mr. Bruey?

18 ANTHONY BRUEY: I have a work truck.

19 THE COURT: What's the approximate value of that
20 vehicle?

21 ANTHONY BRUEY: Maybe 3,000, 3500.

22 THE COURT: Is it owned by you personally, or by your
23 company?

24 ANTHONY BRUEY: Me personally.

25 THE COURT: Any other assets that you haven't

1 mentioned?

2 ANTHONY BRUEY: No, sir, Your Honor.

3 THE COURT: Do you have any financial dependents,
4 including children?

5 ANTHONY BRUEY: Yes, sir, Your Honor.

6 THE COURT: How many, and what ages?

7 ANTHONY BRUEY: I have four boys. Twelve years old,
8 ten years old, eight years old, and two years old. Sorry. I'm
9 sorry, Your Honor.

10 THE COURT: Mr. Bruey, we'll take a moment so you can
11 regain your composure.

12 ANTHONY BRUEY: Yes, I'm sorry, Your Honor.

13 THE COURT: Very well.

14 Ms. Bruey, at this time I will turn to you. Is there
15 any other information regarding assets or income that pertains
16 to you or applies to you that your husband hasn't mentioned?
17 Do you have any other income from any other source than what
18 your husband has already mentioned?

19 AMBER BRUEY: No, sir.

20 THE COURT: Do you own any assets, including any land
21 or vehicles, yourself, personally, that your husband hasn't
22 mentioned?

23 AMBER BRUEY: No, sir.

24 THE DEFENDANT: Based on the information provided to
25 the Court, I find that the Brueys are financially eligible for

1 court-appointed counsel. Although there is reason to believe
2 that they may have assets that might be sufficient to secure
3 privately retained counsel, I don't think that their current
4 cash flow and the apparent uncertain status relating to the
5 real estate permit me to make a finding definitively at this
6 point that they can afford counsel. Therefore, I will appoint
7 separate counsel to represent each of them in this case, but
8 the Court's appointment of counsel will be subject to the right
9 of the government to seek reimbursement for the cost of their
10 representation if it's determined in the future that they
11 actually have the financial ability to afford counsel.

12 So, Mr. and Mrs. Bruey, this is what I've just
13 decided. I'm going to appoint counsel to represent each of
14 you; but, based on the information you've shared with me about
15 your financial circumstances, if it turns out that the
16 government can later demonstrate that you had the financial
17 resources to afford hiring your own counsel, you may be
18 required to reimburse the government for your representation.

19 Do you understand that? Mr. Bruey?

20 ANTHONY BRUEY: Yes, sir, Your Honor.

21 THE COURT: Mrs. Bruey?

22 AMBER BRUEY: Yes, Your Honor.

23 THE COURT: Very well.

24 Mr. Lappan, does your office accept representation of
25 Mrs. Bruey for purposes of this case?

1 MR. LAPPAN: Yes, Your Honor.

2 THE COURT: Thank you.

3 Mr. Miller, do you accept representation of Mr. Bruey
4 for purposes of this case as CJA counsel?

5 MR. MILLER: Yes, Your Honor.

6 THE COURT: Thank you. The Court makes those
7 appointments.

8 Mr. Lappan, have you had an opportunity to review the
9 indictment with your client before we commenced the hearing
10 today?

11 MR. LAPPAN: Yes, Your Honor.

12 THE COURT: Mr. Miller, the same question for you as
13 to your client.

14 MR. MILLER: Yes, sir.

15 THE COURT: Mr. and Mrs. Bruey, at this time I'm
16 going to ask the prosecutor to summarize the nature of the
17 charges against you, and to state the maximum potential
18 penalties that apply in light of those charges. Please listen
19 very carefully to everything the prosecutor is about to say,
20 because when he's done speaking I'll ask you each if you
21 understand what he said.

22 Mr. Reichling, when you're ready.

23 MR. REICHLING: Thank you, Your Honor.

24 And as to Amber Rewis Bruey, the indictment charges
25 her with 16 counts total.

1 Count 1 of the indictment charges the defendant with
2 one count of conspiracy to commit wire fraud, in violation of
3 Title 18 United States Code Section 1349.

4 Counts 2 through 11 of the indictment charge the
5 defendant Amber Bruey with ten counts of wire fraud, in
6 violation of Title 18 United States Code Section 1343.

7 Count 14 of the indictment charges the defendant
8 Amber Bruey with one count of conspiracy to commit money
9 laundering, in violation of Title 18 United States Code
10 Section 1956(h).

11 And Counts 15 through 18 of the indictment charge the
12 defendant Amber Bruey with four counts of illegal monetary
13 transactions, in violation of Title 18 United States Code
14 Section 1957.

15 As to the defendant named in the indictment Anthony
16 James Bruey, he is charged, in Count 1 of the indictment, with
17 one count of conspiracy to commit wire fraud, in violation of
18 Title 18 United States Code Section 1349.

19 Counts 12 and 13 of the indictment charge Anthony
20 Bruey with two counts of wire fraud, in violation of Title 18
21 United States Code Section 1343.

22 Count 14 of the indictment charges the defendant
23 Anthony Bruey with conspiracy to commit money laundering, in
24 violation of Title 18 United States Code Section 1956(h).

25 And Counts 15 and 16 charge the defendant Anthony

1 Bruey with two counts of illegal monetary transactions, in
2 violation of Title 18 United States Code Section 1957.

3 As to the counts that charge the offense of
4 conspiracy to commit wire fraud, the potential penalties are a
5 term of imprisonment of not more than 30 years, a fine of up to
6 \$1 million, a term of supervised release of up to five years,
7 and a \$100 special assessment.

8 As to the counts that charge committing the offense
9 of wire fraud, in violation of Title 18 United States Code
10 Section 1343, the potential penalties are a maximum of 30 years
11 of imprisonment, a fine of \$1 million, a term of supervised
12 release of up to five years, and a \$100 special assessment.

13 As to the counts in the indictment that charge
14 conspiracy to commit money laundering, the potential penalties
15 are a maximum of ten years of imprisonment, a fine of up to
16 \$250,000, or alternate fine of twice the amount of the
17 criminally derived property, a term of supervised release of up
18 to three years, and a \$100 special assessment.

19 As to the counts that charge illegal monetary
20 transactions, the potential penalties for those counts are a
21 maximum of ten years of imprisonment, a fine of up to \$250,000,
22 or alternate fine of twice the amount of the criminally derived
23 property, a term of supervised release of up to three years,
24 and a special assessment of \$100.

25 The indictment also includes a forfeiture section in

1 which the government is seeking the forfeiture of \$881,000 --
2 \$881,058.35, which represents proceeds that were obtained from
3 and involved in the offense, a 2019 GMC Yukon, a 2021 Chevrolet
4 Spark, a 2020 Honda Talon, a 2020 Polaris RZR, and real
5 property located at 114 Kemp Lane, Hertford, North Carolina.

6 THE COURT: Mr. and Mrs. Bruey, do you each
7 understand the nature of the charges against you as well as the
8 potential penalties the prosecutor just described?

9 Mr. Bruey, I'll start with you. Do you understand
10 those things?

11 ANTHONY BRUEY: Yes, sir, Your Honor.

12 THE COURT: Mrs. Bruey, do you understand those
13 things?

14 AMBER BRUEY: Yes, Your Honor.

15 THE DEFENDANT: Counsel, do your clients wish to
16 proceed with arraignment at this time? Mr. Lappan, as to
17 Mrs. Bruey?

18 MR. LAPPAN: Yes, Your Honor.

19 THE COURT: Mr. Miller, as to Mr. Bruey?

20 MR. MILLER: Yes, Your Honor.

21 THE COURT: How do your clients plead? Mr. Lappan?

22 MR. LAPPAN: Not guilty, Your Honor.

23 THE COURT: Mr. Miller?

24 MR. MILLER: Not guilty, Your Honor.

25 THE COURT: The Court will enter pleas of not guilty

1 on behalf of both Mr. and Mrs. Bruey as to each and every count
2 in the indictment.

3 Counsel, do you request entry of a scheduling order
4 setting this matter for trial as well as discovery?

5 Mr. Lappan?

6 MR. LAPPAN: Yes, Your Honor.

7 THE COURT: Mr. Miller?

8 MR. MILLER: Yes, Your Honor.

9 THE DEFENDANT: Mr. Reichling, does the government
10 request reciprocal discovery as to both defendants?

11 MR. REICHLING: Yes, Your Honor.

12 THE COURT: The Court will construe those as oral
13 motions by the respective parties and enter an oral order
14 granting the requested relief. The Court will enter the
15 standard scheduling and discovery order.

16 This case will be set before a District Judge John
17 Badalamenti, with a trial term commencing November 1st, 2021,
18 and a status hearing on October 12th, 2021, at 1:30 p.m.,
19 before Judge Badalamenti or his designee.

20 Turning to the issue of detention or release, what is
21 the government's position, Mr. Reichling? And I note for the
22 record that both Mr. and Mrs. Bruey have been released on bond
23 and conditions as set by the removing district.

24 Mr. Reichling.

25 MR. REICHLING: Yes, Your Honor. The government

1 would just ask that Your Honor adopt the conditions that were
2 set by the removing court in North Carolina, Your Honor.

3 THE COURT: With no modification?

4 MR. REICHLING: No modification, Your Honor.

5 THE COURT: Mr. Lappan, on behalf of your client?

6 MR. LAPPAN: Your Honor, on behalf of my client,
7 after speaking with my client, and speaking with Mr. Reichling
8 before court, we would have no objection to the continuing of
9 conditions of release. I would just simply note, please, for
10 the record, that the recommendation in the addendum report
11 would be for release on her own recognizance. That being said,
12 after speaking with Mr. Reichling and my client, we are fully
13 agreeable to continuing her conditions of release.

14 Thank you.

15 THE COURT: Thank you.

16 Mr. Miller, on behalf of your client?

17 MR. MILLER: Judge, we would join in the government's
18 request.

19 THE COURT: Very well.

20 The Court has reviewed the bonding conditions set by
21 the removing court, and deems them appropriate under the
22 circumstances. The Court will therefore adopt the bonds as set
23 by that other court at the point of removal.

24 Mr. and Mrs. Bruey, that means, going forward, you
25 will need to continue complying with all the conditions of your

1 release that were set by that our court. Do you understand,
2 Mr. Bruey?

3 ANTHONY BRUEY: Yes, Your Honor.

4 THE COURT: Mrs. Bruey?

5 AMBER BRUEY: Yes, Your Honor.

6 THE COURT: As required by Rule 5(f), the United
7 States is ordered to produce all exculpatory evidence to the
8 defendants pursuant to Brady versus Maryland and its progeny.
9 Failing to do so in a timely manner may result in sanctions,
10 including exclusion of evidence, adverse jury instruction,
11 dismissal of charges, and contempt proceedings.

12 Because we proceeded by video today, and I understand
13 there are observers present, I'll remind everyone who has
14 proceeded in or observed these proceedings today of the general
15 prohibition against photographing, reporting, or rebroadcasting
16 these court proceedings. Anyone who violates these
17 prohibitions may be sanctioned by the Court.

18 Counsel, unless there's any further, we'll be in
19 recess.

20 Anything further from the government, Mr. Reichling?

21 MR. REICHLING: No, Your Honor. Thank you.

22 THE COURT: Thank you.

23 Anything further, Mr. Lappan?

24 MR. LAPPAN: No, Your Honor.

25 THE COURT: Thank you.

1 Anything further, Mr. Miller?

2 MR. MILLER: No, Your Honor. Thank you.

3 THE COURT: Thank you. We're in recess.

4 -- -- -- -- --

5 (Thereupon, at 2:46 p.m., the above-entitled matter was
6 concluded.)

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9 CERTIFICATE

10 I CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND
11 ACCURATE TRANSCRIPT FROM THE ORIGINAL DIGITAL RECORDING CREATED
12 DURING THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER.

13

14 Dated this 16th day of August, 2022.

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JEFFREY G. THOMAS, RPR, CRR

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