

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-mj-8415-WM

UNITED STATES OF AMERICA

v.

EMMANUEL BULLY, JR.,

Defendant.

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No.
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No.
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: _____


Shannon Shaw
Assistant United States Attorney
FL Bar No. 92806
500 South Australian Avenue
West Palm Beach, FL 33401
Phone: 561-209-1036
E-mail: Shannon.Shaw@usdoj.gov

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

EMMANUEL BULLY, JR.

Case No.

23-mj-8415-WM

FILED BY SW D.C.

Aug 16, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - WPB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 27, 2021 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. § 1343

Offense Description

Wire Fraud

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

Amanda Leach

Complainant's signature

Amanda Leach, Special Agent, FBI

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (Facetime).

Date: August 16, 2023

William Matthewman

Judge's signature

City and state: West Palm Beach, FL

Hon. William Matthewman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Amanda Leach, first being duly sworn, does hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed by the FBI since January 2021. I am currently assigned to the complex financial crimes squad in the West Palm Beach office. I have successfully completed special agent training at the FBI training center in Quantico, Virginia. Among my responsibilities as an FBI Special Agent, I am trained and empowered to investigate crimes against the United States, including those arising under Title 18 of the United States Code, such as wire fraud.

2. The facts set forth in this affidavit are based on my own personal knowledge, information obtained in this investigation from others, including other law enforcement officers, my review of documents related to this investigation, and information gained through training and experience. Because this affidavit is being submitted for the limited purpose of establishing probable cause to support a Criminal Complaint, I have not included every fact known to me and law enforcement concerning this investigation, but have set forth only those facts necessary to establish probable cause to believe that on or about September 27, 2021, in Palm Beach County, in the Southern District of Florida, Emmanuel Bully, Jr. ("Bully") committed the crime of wire fraud, in violation of Title 18, United States Code, Section 1343.

PROBABLE CAUSE

3. The United States Small Business Administration ("SBA") was an executive-branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by

enabling the establishment and viability of small businesses by assisting in the economy recovery of communities after disasters.

4. The Economic Injury Disaster Loan (“EIDL”) program was an SBA program that existed before the COVID-19 pandemic to provide low-interest financing to small businesses, renters, and homeowners in regions affected by declared disasters.

5. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of Americans who are suffering the economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization for the SBA to provide EIDLs of up to \$2 million to eligible small businesses experiencing substantial financial disruption due to the COVID-19 pandemic.

6. In order to obtain an EIDL, a qualifying business was required to submit an application to the SBA and provide information about its operations, such as the number of employees, gross revenues for the 12-month period preceding the disaster, and cost of goods sold in the 12-month period preceding the disaster. In the case of EIDLs for COVID-19 relief, the 12-month period preceding January 31, 2020. The applicant was further required to “review and check all of the following” statements, which included a statement that the “Applicant is not engaged in any illegal activity (as defined by Federal guidelines).” If the applicant was “unable to check all of the” certifications, the “Applicant [was] not an Eligible Entity.” The applicant was further required to certify that all of the information in the application was true and correct to the best of the applicant’s knowledge.

7. EIDL applications were submitted directly to the SBA and processed by the SBA with support from a government contractor. The amount of the loan was determined based, in

part, on the information provided in the application concerning the number of employees, gross revenues, and cost of goods sold. Any EIDL funds were issued directly by the SBA.

8. On or about September 27, 2021, Bully submitted to the SBA, via wire communications, a false and fraudulent EIDL application for MB Tax Services LLC, using the Employer Identification Number for another company controlled by Bully with a location in Palm Beach County in the Southern District of Florida. The corporate address and other personal information on the application were connected to Bully.

9. IP address records establish that the application was submitted by an IP address connected to Bully in the Southern District of Florida. Furthermore, the SBA servers are located outside of the state of Florida. Thus, the wire transmission of the EIDL application was a communication in interstate commerce.

10. In the EIDL application, Bully falsely represented the corporation's gross revenues were \$114,900. In reality, the corporation was not an active, functioning corporation and did not have any gross revenues. It was not impacted by the COVID-19 pandemic.

11. As a result of the false and fraudulent application, the SBA approved the EIDL for the amount of \$189,800.

12. In reliance on the false representations made in the EIDL application for MB Tax Services LLC, on or about October 4, 2021, the SBA deposited an EIDL loan for \$189,800 into the bank account listed in the EIDL application for MB Tax Services LLC.

13. Bank records establish that Bully was the sole signatory on that bank account and exercised full control over it.

14. Furthermore, a review of the bank records shows that Bully spent the loan proceeds for his own personal use and benefit and not on payroll costs, interest on a mortgage, rent or utilities.

15. On August 9, 2023, investigators interviewed Bully at his residence in the Southern District of Florida. Bully admitted that he submitted the false and fraudulent EIDL application for MB Tax Services LLC. He stated that he “made up” the numbers used in the application to be able to obtain EIDL funds. He further admitted that he used the loan proceeds for his own personal expenses and not for the SBA-approved purposes.

CONCLUSION

16. Based on the foregoing facts, I submit that probable cause exists that Emmanuel Bully, Jr., committed the crime of wire fraud, in violation of Title 18, United States Code, Section 1343.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Amanda Leach

AMANDA LEACH
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn and Attested to me by Applicant
via Telephone (Facetime) pursuant to
Fed. R. Crim. P. 4(d) and 4.1
this 16 day of August, 2023.



HON. WILLIAM M. MATTHEWMAN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: EMMANUEL BULLY, JR.

Case No: 23-mj-8415-WM

Count # 1:

Wire Fraud

18 U.S.C. § 1343

* **Max. Term of Imprisonment:** 20 years

* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

* **Max. Supervised Release:** 3 years

* **Max. Fine:** \$250,000 fine or twice the value of the gross gain or loss, whichever is greater

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**