

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

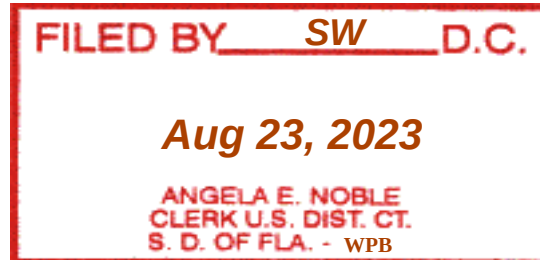
Case No. 23-cr-80141-MIDDLEBROOKS/MATTHEWMAN

UNITED STATES OF AMERICA,

v.

EMMANUEL BULLY, JR.,

Defendant.



PRETRIAL DETENTION ORDER

The Court, pursuant to 18 U.S.C. § 3142, commonly known as the Bail Reform Act of 1984, hereby ORDERS the Defendant, EMMANUEL BULLY, JR., detained pursuant to the provisions of Sections (b), (e) and (f).

Defendant appeared before the Court on August 22, 2023, for a detention hearing. The Government moved for pretrial detention of Defendant on the basis that he presents a serious risk of flight under 18 U.S.C. § 3142(f)(2)(A). The Court finds by a preponderance of the evidence that the Government does have the right to move for detention pursuant to that statutory section in light of the facts of this case. After conducting a detention hearing in this case on August 22, 2023, and carefully considering all of the factors under 3142(g), the Court specifically finds that Defendant is a serious risk of flight and nonappearance if released and that there are no conditions or combination of conditions which will reasonably assure the appearance of Defendant as required. The Court makes the following findings of fact with respect to this order for detention:

Factors:

- a) The nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug.**

Defendant is charged by Indictment [DE 5] with six counts of wire fraud, in violation of 18 U.S.C. § 1343 (Counts 1 through 6). If convicted of Counts 1 through 6, as to each Count, Defendant is facing up to twenty (20) years in prison, up to three (3) years of supervised release, and up to a \$250,000 fine or twice the value of the gross gain or loss resulting from the offense, whichever is greater.

- b) The weight of the evidence against Defendant.**

The weight of the evidence against Defendant is substantial. The Court takes judicial notice of the Indictment [DE 5] and the Criminal Complaint and Affidavit [DE 1] in case number 23-mj-8415-WM. The following evidence was established by the Indictment, the Criminal Complaint and Affidavit, and the Government's proffer.

Beginning in 2020, Defendant participated in a scheme and artifice to unlawfully enrich himself by submitting false and fraudulent applications in connection with the Economic Injury Disaster Loan ("EIDL") program and the Paycheck Protection Program ("PPP"). Specifically, Defendant obtained EIDL/PPP loans based on three businesses of which he was the sole owner and controlling individual. In this regard, Defendant submitted loan applications that improperly stated the number of employees and income tied to the three businesses, ultimately obtaining approximately \$500,000 in funds that was deposited into bank accounts controlled solely by Defendant.

Notably, Defendant tried to obtain approximately \$1.4 million in EIDL and PPP loans, and none of the businesses for which Defendant claimed EIDL and PPP loans had employees other than Defendant. Moreover, relevant bank records demonstrate that Defendant did not spend the

loan funds on any legitimate business interests and utilized the money for his own purposes. To this end, videos from the bank show Defendant using debit cards in connection with the accounts and loan funds.

With this information in mind, on August 9, 2023, Defendant was interviewed in his penthouse apartment in Miami concerning the false and fraudulent loans. Defendant acknowledged that he received false and fraudulent loans and that he was the owner of the businesses listed in the Indictment. Further, during this interview, Defendant was asked if he had any travel plans, to which he stated that he did not. Defendant also refused to surrender his passport despite being requested to do so in good faith.

Around this same time, Defendant was served with a target letter. Subsequently, on August 15, 2023, the FBI spoke with Defendant, whereupon Defendant acknowledged he had received the target letter. Later that same day, Defendant booked a one-way flight to London leaving on August 16, 2023. Defendant was then arrested on August 16, 2023 at the airport, with travel documents and approximately \$600 in cash.

c) The history and characteristics of Defendant.

The Court takes judicial notice of the handwritten Abbreviated Pretrial Services Report and the typed Pretrial Services Report. Defendant is a naturalized United States citizen, but he was born in Haiti and therefore could likely obtain Haitian citizenship in the event he wished to do so.

Defendant travels extensively, as proffered by both Government counsel and defense counsel. Moreover, Defendant has strong ties to the community, as his mother and father live in South Florida and both he and his brother attended high school in Palm Beach County. Defendant also has strong family support. In this regard, Defendant's brother Mike Bully traveled from

Philadelphia to testify in support of Defendant. Defendant also had a friend present in Court in support.

d) The criminal history of Defendant.

Defendant has a short criminal history. Specifically, back in 2001, Defendant was charged with shoplifting, with the disposition of that case being unknown. In 2011, Defendant was adjudicated guilty of driving under the influence and sentenced to 12 months of probation. And in 2013, Defendant was adjudicated guilty of driving on the wrong lane or side.

e) The likelihood of Defendant's appearance in court if released.

This Court finds that there is no condition or combination of conditions of release that will reasonably assure Defendant's presence if Defendant is released. The Court also finds that there is a serious risk that Defendant will flee and fail to appear if released. Based on the nature of the charges, the weight of the evidence, the prison sentence Defendant is facing if convicted, Defendant's ties to Haiti, the difficulties inherent in extraditing the Defendant from Haiti should he flee there, his long history of international travel, and the fact that Defendant was apprehended at the airport after being served with a target letter and informing the FBI that he had no travel plans, this Court finds that Defendant is a serious risk of flight and nonappearance if released. Indeed, this is the relatively rare case where there is evidence of *actual* flight.¹ The Court therefore

¹ In this case, the Court has been presented with evidence of actual attempted flight by the Defendant. As established at the hearing, after Defendant was interviewed by the agents and given a Target Letter, and after Defendant advised the agents he had no travel plans and yet refused to relinquish his passport to the agents when requested, and after the agents again contacted him to ascertain if he had hired an attorney, the Defendant then took it upon himself to promptly book a flight to London and head to Miami International Airport in an obvious effort to flee the jurisdiction before the agents could arrest him. Unfortunately for the Defendant, the agents were alert and were able to arrest the Defendant at the airport as he was waiting to board his flight to London. Under these facts, the Court simply cannot order the Defendant released and Defendant must be detained.

finds that the Government has proven that Defendant is a serious risk of flight or nonappearance by a preponderance of the evidence.

Accordingly, it is hereby **ORDERED** that Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Court directs that Defendant be afforded reasonable opportunity for private consultation with counsel; and the Court directs that, on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which Defendant is confined deliver Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE and ORDERED in Chambers at West Palm Beach in the Southern District of Florida, this 23rd day of August, 2023.


WILLIAM MATTHEWMAN
United States Magistrate Judge