UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-80141-Middlebrooks

UNITED STATES OF AMERICA

v.

EMMANUEL BULLY, JR.,

Defendant.

GOVERNMENT'S RESPONSE TO MOTION TO TERMINATE SUPERVISED RELEASE

The United States respectfully opposes defendant Emmanuel Bully, Jr.'s Motion for Early Termination of Supervised Release (D.E. 33).

Bully submitted multiple applications for COVID-relief loans that included material misrepresentations about his business activities. These applications sought $1,394,427 in loans, and Bully received $503,335 in proceeds of the fraud. He spent the proceeds on personal expenses. D.E. 17.

On September 19, 2023, Bully pled guilty to one count of wire fraud, in violation of 18 U.S.C. § 1343. D.E. 16.

When interviewed by the Probation Officer, Bully reported owning $75,000 in designer clothing, sneakers, and art. He represented that he would sell these items to pay restitution. D.E. 25 ¶¶ 82, 84.

On December 7, 2023, the Court sentenced Bully to 24 months' incarceration, two years' supervised release, and $503,235 in restitution. D.E. 29.

On February 27, 2026, Bully moved to terminate his supervised release, relying on his community service, faith, education, and work.*

On March 11, 2026, the undersigned spoke to Bully's probation officer, who stated as follows. Bully began serving supervised release on January 15, 2025, and is scheduled to terminate supervised release on January 14, 2027. He works full time and he has not had any violations of conditions of supervised release. He has paid approximately $2400 in restitution; he still owes approximately $500,800. The Probation Office opposes early termination of supervised release because of Bully's large restitution balance.

A district court may terminate a term of supervised release after the completion of one year of the term if, after considering specified factors set forth in Title 18, United States Code, Section 3553(a), the court determines such action is both warranted by the

* In his motion, defense counsel states that he "made numerous attempts to obtain the position of the United States [A]ttorney and has received no response to both emails and phone calls, thus the position of the United States is unknown." D.E. 33 at 4. The AUSA originally assigned to this case, Shannon Shaw, has left the office. The undersigned filed a notice of appearance on November 3, 2023, and represented the government at sentencing. No other government attorney has filed a notice of appearance since the undersigned. The undersigned has not received any emails or voice messages from defense counsel about this case, although the undersigned spoke to defense counsel by telephone about an unrelated case on December 16, 2025.

The government does not seek to criticize defense counsel. We do not doubt that he attempted in good faith to obtain the government's position about this motion. The purpose of this footnote is only that the Court not think that the AUSA assigned to the case failed to respond to communications from defense counsel.

defendant's conduct and is in the interests of justice. *See* 18 U.S.C. § 3583(e)(1); *United States v. McClamma*, 548 F. App'x 598, 599 (11th Cir. 2013) (per curiam).

To the best of the government's knowledge, Bully has fully complied with the terms of his supervised release. However, early termination is justified only occasionally, where the defendant establishes that "something exceptional or extraordinary warrants it." *United States v. Laine*, 404 F. App'x 571, 573–74 (3d Cir. 2010) (citation omitted). Therefore, compliance with the terms of supervised release is not in itself a basis for early termination. *See United States v. Weintraub*, 371 F. Supp. 2d 164, 166-67 (D. Conn. 2005) ("model prison conduct and full compliance with the terms of supervised release is what is expected of defendant and all others serving terms of imprisonment and supervised release and does not warrant early termination." (internal quotation marks, alteration, and citation omitted)); *United States v. McKay*, 352 F. Supp.2d 359, 361 (S.D.N.Y. 2005) ("Model prison conduct and full compliance with the terms of supervised release is what is expected of a person under the magnifying glass of supervised release and does not warrant early termination."); *United States v. West*, No. 5:00-CR-23(HL), 2011 WL 1458723, at *1 (M.D. Ga. Apr. 15, 2011) ("[W]hile [the defendant's] conduct is certainly laudable, it is not exceptional to the extent that it warrants terminating the remainder of his supervised release. After all, being a productive member of society and exhibiting good behavior is what is expected of every individual, especially those who have been convicted of a criminal offense and are currently serving a term of supervised release."); *United States v. Robinson*, No. 3:88-CR-215-J-12, 2010 WL 716496, at *2 (M.D. Fla. Feb. 25, 2010) ("The Court expects such laudable efforts of all defendants on supervision as part of their re-entry into the community after serving a lengthy sentence for the commission of serious offenses."); *United States v. Reisner*, No. 4:06-CR-077-SPM, 2008 WL 3896010, at *1 (N.D. Fla. Aug. 20, 2008); *United States v. McClain*, 2009 WL 854107 (E.D. Wis., Mar. 30, 2009) ("[C]ourts have consistently declined to grant [early termination] just because the defendant has complied with his conditions.").[†]

Because Bully's motion is not supported by any exceptional circumstances, it should be denied. In addition, the government agrees with the Probation Department that Bully should remain on supervised release to facilitate the collection of restitution. Bully did not obtain "free" money in this case. He stole more than half a million dollars from the taxpayers, money that otherwise could have been loaned to true victims of the pandemic. Furthermore, Bully was not a "nominee" business owner who assisted a more culpable conspirator to steal money in return for a small fee. Rather, Bully himself dissipated the proceeds of the fraud on personal expenses. D.E. 17 at 3, 4. Apparently, these expenses included designer clothing, sneakers, and art. D.E. 25 ¶¶ 82, 84. Before sentencing, Bully expressed good intentions to make a large restitution payment, but in fact he has repaid only a small amount. Bully should serve his full term of supervised release so that his Probation Officer can ensure that he complies with his payment obligations through January 2027.

[†] In his motion, Bully relies on the *Guide to Judiciary Policy* to suggest that there is a presumption in favor of recommending termination of supervised release after 12 months if the defendant was not convicted of certain types of crimes and has not committed serious violations of his conditions of release. D.E. 33 at 4. The undersigned is not familiar with this document and it does not appear to be available online. No such presumption is reflected in the caselaw.

WHEREFORE, the government respectfully opposes Bully's motion to terminate his supervised release.

Respectfully submitted,

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