UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

VS. **CASE NO: 6:21-cr-141-RBD-EJK**

EMMET BOWENS

ORDER

On July 13, 2022, United States Magistrate Judge Embry J. Kidd entered an Order finding Defendant Emmet Bowens incompetent to proceed to trial, pursuant to 18 U.S.C. § 4241(a) and (d). Doc. No. 78. In that same Order, Magistrate Judge Kidd committed Bowens to the custody of the Attorney General for treatment in a suitable facility for a reasonable period of time, not to exceed four (4) months from the date Bowens arrives at the designated facility, to determine whether there was a substantial probability that in the foreseeable future Bowens would attain the capacity to permit the proceedings to go forward. *Id.* At the time of Magistrate Judge Kidd's Order, Bowens was out on conditions of pretrial release, and he was ordered to report to the designated facility upon notification by the Bureau of Prisons. *Id.* *See also* Doc. Nos. 7-2; 64. Bowens was thereafter directed to voluntarily surrender on March 21, 2023 to the Federal Medical Center in Butner, North Carolina ("FMC Butner). Doc. No. 84.

On March 21, 2023 the United States Pretrial Services Office filed a petition alleging that Bowens violated his conditions of pretrial release by removing his GPS monitor without permission and absconding. Doc. No. 100. Magistrate Judge Kidd issued a warrant for Bowens' arrest that same day. Doc. Nos. 101-102. Since that date, Bowens has remained a fugitive, with his whereabouts unknown. *See, e.g.,* Doc. Nos. 103-104, 107-108. In addition, on June 21, 2024 Magistrate Judge Kidd granted Attorney Andrew C. Searle's motion to withdraw as counsel. Doc. Nos. 109-110.

On December 10, 2024, Bowens was arrested in the Northern District of Mississippi, and after proceedings under Federal Rule of Criminal Procedure 5(c), Bowens was ordered remanded to the custody of the United States Marshals Service for transport to this Court. Doc. No. 112. The undersigned held a hearing today, at which the undersigned appointed Attorney Charles E. Taylor, Jr. to represent Bowens under the Criminal Justice Act. Doc. Nos. 113, 115. The undersigned also discussed with counsel the procedural posture of this case and what further proceedings should occur.

Based on that discussion, and in particular given the prior finding that Bowens is incompetent to proceed and the absence of any evidence suggesting that finding should be revisited at this time, and with counsel for all parties in

agreement, the undersigned made the following rulings which are memorialized herein:

1. Defendant Emmet Bowens is **DETAINED** pending further proceedings and **REMANDED** to the custody of the United States Marshal. Bowens' current incompetency precludes the undersigned from conducting a revocation of pretrial release hearing pursuant to 18 U.S.C. § 3148 at this time.

2. The finding of incompetency set forth in Magistrate Judge Kidd's July 13, 2022 Order (Doc. No. 78) remains in full force and effect, and it is again **ORDERED** that Defendant Emmet Bowens is committed to the custody of the Attorney General to be hospitalized for treatment in a suitable facility. The term of commitment is for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward. 18 U.S.C. § 4241(d)(1).

3. It is further **ORDERED** that the Bureau of Prisons shall submit a report to the Court and counsel for the parties within **ten (10) days** after the term of commitment established herein expires addressing whether Bowens is then competent to proceed to trial or, if not, whether there is a substantial probability that in the foreseeable future Bowens will attain the capacity to permit the proceedings to go forward. As this time period is established by statute, the Court

will not extend it. Thus, it is further **ORDERED** that the Bureau of Prisons shall promptly designate Bowens to a suitable facility and cause Bowens to be transported to that facility on an expedited basis.

4. It is further **ORDERED** that the United States Marshals Service shall **forthwith** provide a copy of this Order to the appropriate officials in the Bureau of Prisons.

5. The United States is **DIRECTED** to file a motion for the release of Bowens from the Attorney General's custody within **five (5) days** of receipt of a §4241(c) certificate.

6. The parties are **DIRECTED** on **January 31, 2025** and every **thirty (30) days** thereafter, to provide a joint status report to the Court regarding Bowen's competency. *See* Doc. Nos. 80, 105.

DONE and **ORDERED** in Orlando, Florida on December 26, 2024.

Leslie Hoffman Price

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Marshal
United States Attorney
Counsel for Defendant