UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. CASE NO. 6:21-cr-141-RBD-NWH

EMMET BOWENS

GOVERNMENT'S MOTION TO CONTINUE TRIAL

The United States of America, by Gregory W. Kehoe, United States Attorney for the Middle District of Florida, requests, pursuant to Fed. R. Crim. P. 12(b), that this Court continue the trial in this case now set for December 5, 2025, and in support of its motion states as follows:

Procedural Background

1. A grand jury returned an indictment against defendant on November 10, 2021. Doc. 1. On December 2, 2021, defendant was arrested in the Northern District of Georgia. His initial appearance and detention hearing occurred the following day. Docs. 6-8. The United States did not move for detention and defendant was released on bond conditions. *Id*.

2. On December 16, 2021, defendant was arraigned in the Middle District of Florida. Doc. 10. Afterwards, pretrial discovery and preparation took place over the next few months, with defendant seeking unopposed continuances. *See* Docs. 25, 27, 28, 38, 39, and 50. By May 5, 2025, defendant began to file pretrial motions seeking relief. *See* Docs. 44-47. Most significantly, defendant filed a motion for

competency examination. Doc. 47.

3. On July 13, 2022, defendant was determined not competent to proceed with trial and was ordered into the custody of the Attorney General for competency restoration. Doc. 78. However, defendant was left at liberty and ordered to report to the designated facility on the date set forth by the Bureau of Prisons. *Id.* at 3. He did not.

4. On March 21, 2023, the date defendant was supposed to report for competency restoration, he cut off his ankle monitor and fled. Docs. 100-102. He was not arrested until December 10, 2024. Doc. 111.

5. After the restoration process, defendant was eventually released from the custody of the Attorney General on September 24, 2025. Doc. 142. After several delays caused by the withdrawal of defendant's various defense counsel, he was determined to be competent on October 10, 2025. Doc. 155.

6. Similarly, it took some time to progress through defendant's bond revocation hearing, due to the withdrawal of yet another court appointed counsel. *See* Docs. 162-178. There was one brief continuance requested by the government due to the illness of a critical witness; however, at the time, defendant had elected to proceed *pro se*, a decision which he ultimately reversed after the brief continuance. Doc. 163 and 171. Defendant's current attorney was appointed on November 5, 2025, just three weeks ago. Doc. 171.

7. Meanwhile, at the status conference on November 13, 2025, defense counsel requested a one-month continuance; considering his recent appointment to

the case, he needs time to adequately prepare. Doc. 176. The government did not oppose what seemed a very reasonable request, which this Court granted, contingent on defendant signing a waiver of speedy trial. Doc. 175. Yet, defendant refused to sign the waiver of speedy trial. Doc. 184.

8. As a result, on November 25, 2025, this case was set for trial to begin with jury selection on December 5, 2025. Doc. 186.

Speedy Trial Act Computation

9. Because defendant was initially arrested in the Northern District of Georgia, he must be brought to trial within 70 days from the date he appeared before a judicial officer in the Middle District of Florida where the charges are pending. 18 U.S.C. § 3161(c)(1). Defendant was arraigned on December 16, 2021, triggering the speedy trial clock. Doc. 10.

10. The statute specifically includes the potential for "excludable delay," providing a non-exhaustive list of potential bases. Those include any period of delay resulting from proceedings concerning the defendant, examples of which are listed in subsection (h).

11. The United States calculates 27 days expired on defendant's speedy trial clock, as follows[1]:

[1] Some of the relevant dates for exclusion of time overlap. Additionally, there were other motions filed between May 5, 2022, and November 19, 2025. These additional motions would also toll the speedy trial clock, but to simplify the government's calculations those additional filings are excluded from the chart.

Dates	**Case Status**	**Number of Days against Speedy Trial Clock**	**Basis for exclusion**
December 2-3, 2021	Defendant's arrest in NDGA and initial appearance	0	18 U.S.C. § 3161(c)(1)
December 4-15, 2021	(period between defendant's initial appearance in NDGA and his arraignment in MDFL)	0	18 U.S.C. § 3161(c)(1)
December 16, 2021	Defendant's arraignment	0	18 U.S.C. § 3161(h)(1)
December 17, 2021 – January 12, 2022	**(period in between defendant's arraignment and the first status conference)**	**27**	**None**
January 13, 2022-April 20, 2022	Continuance by defendant Waiver of speedy trial	0	18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A)
March 10, 2022 – June 30, 2022	Continuance by defendant	0	18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A)
May 5, 2022 – October 10, 2025	Defendant's motions for relief, including competency determination Defendant's fugitive status	0	18 U.S.C. §3161(h)(1)(A) and (D), and (h)(3)(B)
March 21, 2023 – November 19, 2025	Bond revocation petition pending	0	18 U.S.C. § 3161(h)(1)(H)
October 28, 2025 – November 5, 2025	Motion to withdraw by Roger Weeden	0	18 U.S.C. § 3161(h)(1)(D)
November 5, 2025 – November 19, 2025	Defense motion to continue bond revocation hearing	0	18 U.S.C. § 3161(h)(1)(D) and (H)
November 13, 2025	Status conference	0	18 U.S.C. § 3161(h)(1)

November 14, 2025 – November 25, 2025	(period under which defense counsel's motion to continue was under advisement)	0[2]	18 U.S.C. § 3161(h)(1)(D) and (H)

Additional Facts

12. The United States anticipates calling approximately 14 witnesses. While many of those individuals are records custodians/authentication witnesses, the United States needs to secure their availability, nonetheless. As of the time of this filing, the United States has only been able to confirm the availability of three of those witnesses for December 10, 2025. The case agent has a significant personal conflict on December 12, 2025, when his daughter is graduating from college. There is another FBI special agent with knowledge of the case, however, that individual is on military leave from December 1, 2025, through December 12, 2025.

13. Additionally, undersigned counsel has a significant upcoming event in a complex ongoing investigation. Considering the requested defense continuance, undersigned counsel coordinated other case work anticipated to take up the vast majority of December 1st through December 3rd. Undersigned counsel has prepared significantly over the last three months for said investigative step, which has included coordination with multiple state and federal investigative partners, pretrial services, and several witnesses. There are nine potential defendants who will be impacted by a

[2] If this period is not excluded from speedy trial calculations, the difference is 7 days, the period between the bond revocation hearing and the filing of this motion. That would make the total elapsed time 34 days with a deadline of January 1, 2026.

delay, eight of whom have been in custody for some time. Said investigative step has been rescheduled several times due to scheduling conflicts and other concerns.

Requested Continuance

14. While this case has languished for quite some time, the delays have been primarily caused by the defendant. Between requesting a now seemingly dubious mental health evaluation (approximately 10 months of delay), fleeing prosecution (approximately 21 months of delay), and clashing with lawyer after lawyer (delays hard to quantify), defendant has done his best to avoid prosecution. He now seeks a speedy trial, which is his constitutional right. However, the United States has a vested interest in having adequate opportunity to procure its witnesses for trial, and believes additional time is necessary for defendant's newly appointed attorney, who recently requested a continuance for just that reason. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

15. The United States respectfully requests this Court continue this case to the January trial term, or at minimum, for another date within the speedy trial window.[3]

Coordination with Defense Counsel

16. I have discussed this motion with defense counsel, who objects to the continuance based on the defendant's position. He persists in his request for a speedy

[3] Undersigned counsel is not available December 23, 2025, through December 29, 2025. The government's case agent is not available December 12 and December 29, 2025, through January 2, 2026. Defense Counsel is not available December 5, 2025.

trial against defense counsel's advice.

Conclusion

17. The ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. However, even if the case is set for trial in the January trial term and the time is *not* excluded, defendant's right to a speedy trial will still be preserved. Based on the government's calculations, defendant must be brought to trial within 43 days, or by January 8, 2026.

18. In view of the procedural history of the case, the obligations of undersigned counsel in other cases, and the reasonable length of the requested delay, the government requests this Court to continue the case for trial.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/ Rachel S. Lyons

Rachel S. Lyons
Special Assistant United States Attorney
USA No. 215
400 W. Washington Street, Suite 3100
Orlando, Florida 32801
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: Rachel.Lyons@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Michael William Nielsen
Nielsen Law Firm
720 W SR 434
Winter Springs, FL 32708

/s/ Rachel S. Lyons
Rachel S. Lyons
Special Assistant United States Attorney
USA No. 215
400 W. Washington Street, Suite 3100
Orlando, Florida 32801
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: Rachel.Lyons@usdoj.gov