UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. Case No. 6:21-cr-141-RBD-DCI

EMMET BOWENS

ORDER

Before the Court is the Government's motion to continue trial (Doc. 190), which Defendant opposes (Doc. 192).

This case was previously continued to the January trial term on the condition that Defendant waive his speedy trial rights. (*See* Docs. 175, 177.) On November 24, 2025, Defendant's counsel notified the Court that Defendant refused to do so. (Doc. 184.) So the Court set trial for December 10, 2025. (Doc. 186.) The Government now moves to continue, arguing that given the short notice, it cannot secure all its witnesses for trial, the prosecutor has a significant scheduling conflict, and the recently appointed defense counsel should be given more time to prepare. (Doc. 190, pp. 5–7.) Nevertheless, Defendant opposes the motion to continue against his counsel's advice. (Doc. 192.)

Criminal defendants have the right to a speedy trial under both the Speedy Trial Act and the Sixth Amendment. *See United States v. Ogiekpolor*, 122 F.4th 1296, 1304 (11th Cir. 2024). In deciding whether a delay would violate the Speedy Trial

Act, courts consider "adequate time for defense counsel [and the government] to prepare, number of [witnesses], pending motions, anticipated trial time, . . . conflicts in schedules of judges and trial counsel," and the like. *Id.* at 1313 (quoting *United States v. Henry*, 698 F.2d 1172, 1174 (11th Cir. 1983)) (internal quotation marks omitted) (alterations in original). In deciding whether a delay would violate the Sixth Amendment, courts consider the length of delay, the justification for delay, whether and how the defendant asserts his right, and whether delay prejudices the defendant. *Barker v. Wingo*, 407 U.S. 514, 530–32 (1972).

Turning first to the Speedy Trial Act, the trial is currently set for December 10, 2025. (Doc. 186.) Because of Defendant's change of heart on November 24, this date was set on November 25—giving the parties barely two weeks to prepare. (*See id.*) That the Government has been unable to confirm witness availability shows the current trial date is untenable, not to mention that Defendant's counsel was appointed only weeks ago. And the Court has its own conflicts, including two trials within the remaining speedy trial period. So the factors weigh in favor of a continuance.

Turning next to the Sixth Amendment, the delay from mid-December to the January trial term is less than one month. While Defendant was indicted over four years ago (Doc. 1), much of the time between is due to Defendant's flight and restoring his competency. (*See* Docs. 78, 100.) The Government has strong

justification for the short additional delay, as the short notice for trial was due to Defendant's own actions and the Government cannot reasonably be expected to have all witnesses available in such a short time. While the Defendant is now asserting his speedy trial right, he has done so only recently and after his counsel advised that he would be waiving his right to a speedy trial. And while Defendant is detained pending trial, he has failed to show that continued detention will result in "substandard conditions of confinement or other consequences" constituting prejudice. *See Ogiekpolor*, 122 F.4th at 1308. Indeed, Defendant will undoubtedly benefit from his counsel having time to actually prepare his case. So the Sixth Amendment factors also weigh in favor of a continuance.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The Government's motion to continue trial (Doc. 190) is **GRANTED**.
2. After considering all the factors, including those set forth in 18 U.S.C. § 3161(h)(7)(B), and for the reasons stated in this Order, the Court **FINDS** that the ends of justice served by granting such a continuance outweigh the best interest of the public and the Defendant in a speedy trial.
3. The Court **DETERMINES** that the time from today, December 3, 2025, until and including January 31, 2026, shall be "excludable time" pursuant to 18 U.S.C. § 3161(h).

4. This matter is **CONTINUED** to the **trial term commencing January 5, 2026**, in Orlando Courtroom 4A before the Undersigned. A date certain for the trial will be set at the next status conference, which remains set for **December 11, 2025, at 10:00 a.m.** (Doc. 177).

DONE AND ORDERED in Chambers in Orlando, Florida, on December 3, 2025.

ROY B. DALTON, JR.
United States District Judge