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 RESPONSE TO DEFENDANT'S OMINBUS REQUEST FOR RELIEF

The United States of America, by Gregory W. Kehoe, United States Attorney for the Middle District of Florida, opposes Defendant's omnibus request for relief. Doc. 209. In a one and one-half page document, Defendant includes multiple motions asking this Court to (1) suppress "all evidence obtained in violation of the Fourth and Fifth Amendments", (2) dismiss the Indictment based on the same violations, (3) dismiss the Indictment under the Speedy Trial Act and the Sixth Amendment, and (4) order Defendant's release on bond. *Id.* Setting aside the procedural errors and lack of compliance with the Local Rules, Defendant's requests are due to be denied as meritless and not supported by law or fact.

Procedural Background

1. On November 10, 2021, a federal grand jury returned an indictment charging Defendant with two counts of wire fraud, in violation of 18 U.S.C. § 1343 (Counts One and Two), and four counts of money laundering, in violation of 18 U.S.C. § 1957 (Counts Three through Six). 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, 2022, Defendant began to file pretrial motions, including a motion to suppress statements, a motion to suppress pretrial and in-court identifications, a motion to dismiss Count Two of the Indictment for lack of venue, and most significantly, a motion for competency examination. Docs. 44–47. The United States responded in opposition to the motions to suppress and the motion to dismiss. Docs. 59–61. A hearing on those motions never occurred due to Defendant's competency proceedings. On October 17, 2025, this Court denied the motions to suppress and dismiss given the significant gap in time since their filing, leaving open the opportunity for the defendant to re-raise those issues. Doc. 157.

3. Meanwhile, back on July 13, 2022, Defendant was found incompetent to proceed with trial and 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, in the Northern District of Mississippi.

Doc. 111. After his transfer back to the Middle District of Florida, Defendant was ordered back into the custody of the Attorney General to await competency restoration proceedings. Doc. 116. The parties were directed to file monthly status reports documenting the progress of those efforts. *Id.*

5. On March 13, 2025, both of Defendant's appointed counsel moved to withdraw. Docs. 121 and 122. By March 31, 2025, Defendant had been designated a space at FMC Butner, to arrive in May 2025. Doc. 131. He was transferred on or about May 12, 2025. Doc. 133. Defendant generally declined to participate in the restoration programs and refused to take medications. Docs. 135, 137, and 139. On September 9, 2025, his evaluation was completed, and a certificate of competency was entered on September 15, 2025. Doc. 141.

6. Defendant was 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. Docs. 144–155.

7. 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. Docs. 163 and 171.

8. Meanwhile, at the status conference on November 13, 2025,

Defendant's then-defense counsel requested a one-month continuance due to his recent appointment to the case and the need for 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. Defendant refused to sign the waiver of speedy trial. Doc. 184. This was the first time Defendant asserted his right to a speedy trial.[1] The Court initially docketed the case for trial in December, but then granted the government's motion to continue based on the unavailability of its case agent, inability to confirm the availability of other witnesses, and other scheduling concerns. Docs. 186, 190, and 193. The ruling excluded the time between December 3, 2025, and January 31, 2026. Doc. 193. On December 11, 2025, this case was set for trial date certain starting January 26, 2026. Doc. 197. On December 12, 2025, Defendant then requested to proceed *pro se*, and on December 16, 2025, Defendant's seventh attorney was redesignated as stand-by counsel. Doc. 208. On December 19, 2025, defendant filed his requests for relief. Doc. 209.

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

[1] In fact, the record shows several instances where Defendant *waived* his right to speedy trial. Docs. 29 and 36.

speedy trial clock. Doc. 10.

10. The Speedy Trial Act includes the potential for "excludable delay," providing a non-exhaustive list of potential bases. 18 U.S.C. § 3161. Those include any period of delay resulting from proceedings concerning the defendant, examples of which are listed in subsection (h). *Id.*

11. The United States calculates 27 days expired on Defendant's speedy trial clock, as follows[2]:

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 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)

[2] 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.

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	18 U.S.C. § 3161(h)(1)(D) and (H)
November 26, 2025 – December 2, 2025	(Period under which government counsel's motion to continue was under advisement)	0	18 U.S.C. § 3161(h)(1)(D) and (H)
December 3, 2025 – January 31, 2026	Time excluded by the Court	0	18 U.S.C. § 3161(h)

Statement of the Case

12. On May 5, 2020, Defendant took advantage of the Paycheck Protection Program (PPP) by applying for a PPP loan using fraudulent information. As the basis for the loan application, Defendant provided information for an IT company named Buccaneer Technologies LLC (Buccaneer). On the PPP loan application Defendant listed himself as the CEO of Buccaneer. On the application Defendant provided a variation of the proper spelling of his name, "Emmit Bowens" but listed

his correct personal address and social security number in the applicant ownership field of the application. Defendant also provided a color photocopy of his Florida Driver's license with his application. The Google subscriber information for the email address listed on the application identifies "Emmet Bowens" as the name associated with the email address, which was created the day the application was submitted.

13. On his application, Defendant claimed that his monthly average payroll for Buccaneer was $295,883 and requested a loan in the amount of $739,582.50, *see below*:

Business Legal Name		
Buccaneer Technologies		
Business Address	Business TIN (EIN, SSN)	Business Phone
[redacted] 66 West Flagler Street Suite 900	[redacted]8725	[redacted]8744
Miami Fl 33130	Primary Contact	Email Address
		bbb.tech19@gmail.com

Average Monthly Payroll:	$ 295,833.00	x 2.5 + EIDL, Net of Advance (if Applicable) Equals Loan Request:	$ 739,582.50	Number of Employees:	102
Purpose of the loan (select more than one):	☒ Payroll ☒ Lease / Mortgage Interest ☒ Utilities ☐ Other (explain):				

Applicant Ownership

List all owners of 20% or more of the equity of the Applicant. Attach a separate sheet if necessary.

Owner Name	Title	Ownership %	TIN (EIN, SSN)	Address
Emmitt Bowens	CEO	100	[redacted]26	[redacted]

14. In support, Defendant claimed that Buccaneer employed 102 employees. To corroborate this claim, Defendant submitted an unsigned 2019 Form 940, listing Buccaneer's EIN as 82-4344838. On the Form 940 Defendant claimed to have paid $3,500,000 in total payments to employees.

15. Defendant also included two Federal Form 941 deposit reports for Buccaneer. One was for the period between January 1, 2019, to December 31, 2019, claiming one employee and various federal tax payments by the company.

Report Range:1/1/2019 - 12/31/2019
EIN: [redacted]4838 State ID: [redacted]4838 Local ID:
Employee Number: 1

Description	Amount
Payment Amount (Total)	$1,460,460.80
1. Social Security (Employee + Employer)	$17,074.80
2. Medicare (Employee + Employer)	$133,100.00
3. Federal Income Tax	$1,310,286.00

16. Defendant submitted a second Form 941 for the period from January 1, 2020, to May 5, 2020. On this form Defendant again claimed one employee and listed various federal tax payments by Buccaneer:

Report Range:1/1/2020 - 5/5/2020
EIN: [redacted]4838 State ID: [redacted]4838 Local ID:
Employee Number: 1

Description	Amount
Payment Amount (Total)	$249,981.32
1. Social Security (Employee + Employer)	$17,074.80
2. Medicare (Employee + Employer)	$20,683.32
3. Federal Income Tax	$212,223.20

17. The IP address and subscriber information for the submission of this loan application resolved to Defendant's listed residence that he shared with his wife and daughter.

18. Defendant digitally signed the loan application with a digital signature stamp and a PDF image of his actual signature:

Program Requirements and all SBA reviews.
Digitally signed by Emmitt Bowens
Date: 2020.05.05 22:35:05 -04'00'
Signature of Authorized Representative of Applicant

19. The application was approved, and a loan in the amount of $739,582.00 was funded by Harvest Small Business Finance, LLC, on May 20, 2020. The funds were wired from Harvest's account at East West bank to Defendant's personal Trustco bank account ending in 4982. After the funds were deposited into his Trustco account, Defendant split the money between six other bank accounts, one of which was opened after the loan application was submitted and two more of which were opened after he received the loan funds.

20. The information Defendant submitted with his PPP loan application was false. Buccaneer is a fake business that never employed anyone and was only created to take advantage of the PPP. The facts that support this include:

(a) Per Florida SunBiz Buccaneer Articles of Organization were not filed until May 11, 2020—six days after Defendant filed his application for the PPP loan;

(b) Facts of filing information provided by the IRS demonstrates that no taxes were ever filed by the Buccaneer nor any other business bearing the EIN listed during 2019;

(c) There are no records of wage and earning reports being filed for this business or for Defendant;

(d) Defendant's bank records do not reflect that he ever employed anyone or made other payments in connection with this business, such as payments to a payroll company, regular payments, or checks for services or supplies;

(e) The business address in the application is an address for "pivot desk," a company that provides virtual or physical workspace for businesses. Per the

company's website, the cost for space ranges between $400–$10,500. Defendant's financial records do not show any payments to this company that would indicate that he was renting physical or virtual space from them;

(f) A check of open-source data revealed that there was no internet presence for Buccaneer; and

(g) Defendant listed the business phone number on the application as 407-428-744. This is similar to a number associated with a person named "Matheus Bowens" per Accurint.[3]

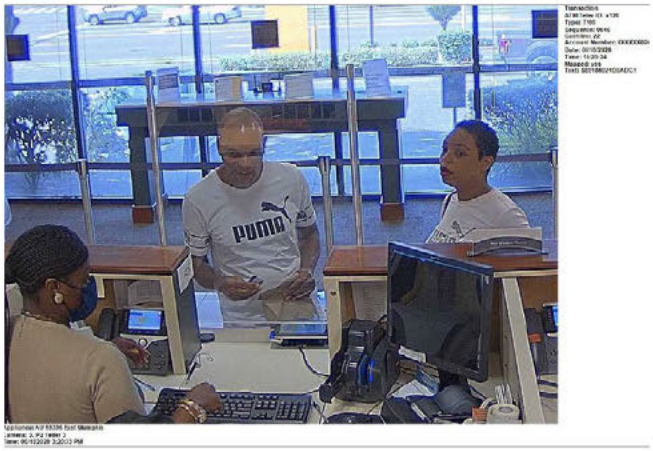
21. Defendant's financial records also reveal he did not use the PPP funds as permitted under the PPP. First, Defendant did not use this money to cover legitimate approved costs such as payroll, utilities, rent, etc. Rather, Defendant's financial records show transfers of loan proceeds consistent with money laundering. Prior to the dispensation of the loan funds, financial records reflect that Defendant had $5,559.89 in his Trustco account. After receiving the PPP loan funds, Defendant split the money between six different bank accounts, at four different banks, over the course of only nine days.

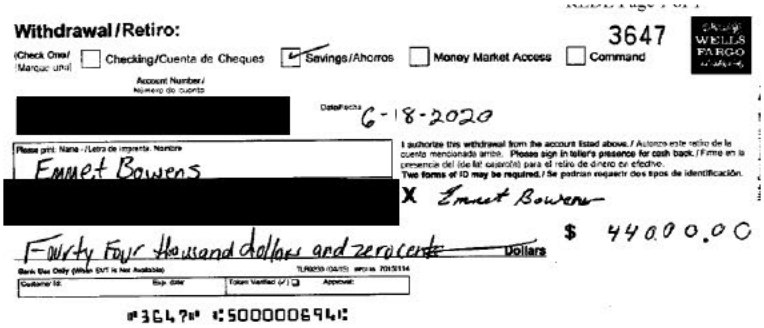
22. In addition to the movement of funds, Defendant's financial records reveal that he used this money at restaurants, for retail purchases, and to fund a cross-country vacation. For example, Defendant's Wells Fargo account ending in 0135 shows charges indicating a cross-country trip starting around May 29, 2020,

[3] The full number in Accurint is 407-428-7744

and continuing through June 26, 2020. A review of this account shows numerous charges in Texas, Arizona, Mississippi, Georgia, and Tennessee. These charges are predominately from restaurants, hotels, gas stations, and retails stores. There is even a $400.00 charge for spa services in Scottsdale, Arizona.

23. In addition, there were also large cash withdraws. For example, on June 18, 2020, Defendant and his wife stopped at a Wells Fargo bank branch in East Memphis, Tennessee and personally withdrew $44,000.00 in cash from his Wells Fargo account ending in 0200, which was captured on bank surveillance footage.




Withdrawal / Retiro:

3647

(Check One/ Marque una) ☐ Checking/Cuenta de Cheques ☑ Savings/Ahorros ☐ Money Market Access ☐ Command

WELLS FARGO

Account Number / Número de cuenta

[redacted]

Date/Fecha 6-18-2020

Please print: Name - / Letra de imprenta: Nombre

Emmet Bowens

I authorize this withdrawal from the account listed above. / Autorizo este retiro de la cuenta mencionada arriba. Please sign in teller's presence for cash back. / Firme en la presencia del (de la) cajero(a) para el retiro de dinero en efectivo. Two forms of ID may be required. / Se podrían requerir dos tipos de identificación.

[redacted] X Emmet Bowens

Forty Four thousand dollars and zero cents Dollars $ 44000.00

Bank Use Only (When EWT is Not Available)

Customer Id: Exp. date: Token Verified (✓) ☐ Approved:

⑈3647⑈ ⑆500000694⑆

24. Notably absent from all of the financial records are any payments resembling payroll, rent, utilities, or any other approved expense as required for PPP funds.

25. At trial, the United States intends to prove its case through documents and surveillance footage evidence obtained from subpoenas and other administrative actions. There were no searches or seizures, and the United States does not seek to introduce any custodial statements of Defendant.

LAW AND ARGUMENT

Defendant's omnibus motion is due to be summarily denied. The motion fails on its face to assert the articulable and precise relief requested. The motion is devoid of substantive facts supporting its conclusory assertions. Defendant cites to no case law supporting his requested relief. Finally, the motion does not comply with the Rules of Criminal Procedure, the Local Rules of the Middle District of Florida, or this Court's scheduling order. The United States takes up the various requests in turn.

A. Motion to Suppress Evidence under Fourth and Fifth Amendments

Defendant first seeks to suppress "all evidence" obtained in violation of the Fourth and Fifth Amendments, contending evidence was obtained through unconstitutional searches, seizures, interrogations, and compelled disclosures. Doc. 209 at 2.

As an initial matter, the Motion is facially insufficient in that it makes conclusory assertions with no specific factual support. "A motion to suppress must in

every critical respect be sufficiently definite, specific, detailed, and nonconjectural to enable the court to collude that a substantial claim is presented." *United States v. Richardson*, 764 F.2d 1514, 1527 (11th Cir. 1985) (citations omitted). "In short, the motion must allege facts which, if proven, would provide a basis for relief." *Id.* "A court need not act upon general or conclusory assertions founded on mere suspicion or conjecture, and the court has discretion in determining the need for a hearing." *Id.* (citation omitted).

As to evidence other than Defendant's statements, Defendant first fails to identify what "searches" or "seizures" took place and then fails to explain how any purported searches or seizures were violative of the Constitution. This may be because, as discussed above, no searches or seizures took place in this investigation. Rather, the evidence was obtained lawfully using grand jury subpoenas from the SBA, various financial institutions, Google, Charter Communications, and other entities—which Defendant had no grounds to challenge at the time and has identified no problems with even now. *See United States v. Morton Salt Co.*, 338 U.S. 632, 642–43 (1950) (noting a grand jury "can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not."); *United States v. R. Enterprises, Inc.*, 498 U.S. 292, 297 (1991) (noting that as a necessary consequence of its investigatory function, the grand jury "paints with a broad brush."). Because Defendant has not identified any search or seizure that took place in this investigation, nor could he, and thus no violation of his Fourth Amendment rights. The Motion fails in every respect to be "definite, specific, detailed, and

nonconjectural"; to the contrary, it contains nothing more than "general or conclusory assertions," and as such it is due to be denied without a hearing. *See Richardson*, 764 F.2d at 1527 (finding a trial court properly denied a motion to suppress without an evidentiary hearing where the defendants "relied on a flawed legal theory and on a conclusory statement that the arrest was carried out without probable cause" and "failed to make factual allegations which could form the basis for exclusion of evidence.").

As to any statements by Defendant, Defendant likewise fails to identify what custodial interrogation or compelled financial certifications occurred and then fails to explain how any such purported interrogations or certifications were violative of the Constitution. This may be because—as with the "searches" and "seizures"—no custodial interrogation or compelled certifications occurred. Rather, law enforcement attempted to meet with Defendant to discuss his case but no meeting ever occurred. So not only does the motion lack specificity as to the statements and certifications Defendant seeks to suppress, his motion lacks a sufficient basis to suppress any such evidence even if it existed. As a result, his request to suppress this evidence likewise should be denied.

B. Motion to Dismiss based on Fourth and Fifth Amendment Violations

Defendant also seeks dismissal of the Indictment based on violations of the Fourth and Fifth Amendments as it relates to "unlawfully obtained evidence." Doc. 209 at 2–3. But because Defendant has failed to establish that his Fourth or Fifth

Amendment rights were violated or that any evidence was obtained unlawfully, his request for dismissal on these grounds should likewise fail.

C. Motion to Dismiss based on Speedy Trial Act Violations

Next, Defendant seeks dismissal under the Speedy Trial Act and Sixth Amendment. Doc. 209 at 2–3. But Defendant has not explained how his right to a Speedy Trial has been violated. For starters, he does not explain how much time he believes has lapsed on the speedy trial clock or when he believes the 70-day time period expired under 18 U.S.C. § 3161 in light of the procedure of this case, the waivers of speedy trial, and the excludable time periods throughout the pendency of this case. As discussed above, the United States respectfully submits that only 27 days have expired, the remaining time until trial has been excluded, and thus Defendant will be brought to trial within 70 days.

In determining whether a Sixth Amendment violation of Defendant's right to a speedy trial has occurred, the Court must make a case-by-case determination, assessing factors such as: (1) the length of the delay; (2) the reason for the delay; (3) the defendant's assertion of his right to a speedy trial; and (4) any prejudice to the defendant. *See Barker v. Wingo*, 407 U.S. 514, 530 (1972).

Factor one is a threshold inquiry, as some presumptively unreasonable period of time must have expired to justify the Court's attention to the other factors. *Id.*; *Doggett v. United States*, 505 U.S. 647, 651–52 (1992). "If, after the threshold inquiry is satisfied and the second and third factor are considered, all three of these factors weigh heavily against the Government, the defendant need not show actual prejudice

(the fourth factor) to succeed in showing a violation of his right to a speedy trial." *United States v. Ingram*, 446 F.3d 1332, 1336 (2006). The government concedes that the delay between Indictment and trial, in this case approximately 50 months, warrants the Court's assessment of the remaining factors. None of those factors weigh heavily against the government, or even in Defendant's favor.

Turning to the second factor, the reasons for the significant delays in this case are attributable to Defendant. For example, between December 2021 and May 2022, Defendant, through his attorneys, requested several continuances prior to filing pretrial motions. Given the complex nature of this fraud case, and the volume of discovery, such pretrial continuances were reasonable and unopposed. Defendant even filed accompanying waivers of speedy trial.

Then, in May 2022, Defendant began filing motions for pretrial relief. The government responded to those motions within a reasonable period (within a month). However, Defendant's request for a competency determination caused a much longer delay (from May 2022, when the motion was filed, to October 2025, when he was determined to be competent). Notably, much of that same period lapsed due to the fact Defendant fled prior to participating in competency restoration as ordered by the Court (from March 2023 to December 2024). Also contributing to the delays were Defendant's quarrels with his court-appointed attorneys (which included the physical destruction of one attorney's files).

The third prong similarly does not weigh in Defendant's favor. It was not until December 2025, three years after his arraignment and less than one month prior to the scheduled trial date, that Defendant asserted his right to speedy trial.

Finally, as to the fourth factor, Defendant has provided no specific facts or evidence to demonstrate prejudice. Certainly, the experience of being incarcerated is likely unpleasant. Yet, the fact of his incarceration is of his own making, as the United States did not move for detention until after Defendant cut off his ankle monitor and fled prosecution. Further, he does not articulate details that make him different from any other pre-trial detainee. Similarly, Defendant makes no mention of the most serious aspect of this prong—the inability to prepare his defense. He points to no evidence that is no longer available, no witness whose memory has atrophied, and no potential defense that has been foreclosed.

Ultimately, Defendant has failed to show how the Speedy Trial Act or his Sixth Amendment rights have been violated during these proceedings, and his request for dismissal on these grounds should be denied.

D. Motion for Release on Bond

Finally, Defendant requests release on bond under the Bail Reform Act claiming he is not a flight risk, poses no danger to the community, and has complied with court orders. Doc. 209 at 3. But again, Defendant has offered no legal or factual support warranting his release.

Putting aside the fact Defendant has offered no legal basis for his release at this stage of the proceedings, Defendant's request is wholly unsupported by the facts

of this case. Defendant claims he is not a flight risk, yet he has proven the exact opposite by being a fugitive from justice for 21 months. He claims to have "complied with all court orders," but the record is rife with evidence to the contrary. For example, he failed to comply with GPS monitoring, he did not communicate with his pretrial services officer as directed, and he left the jurisdiction within which he was ordered to remain. Further, when he was placed in the court-ordered competency restoration program, he refused to participate in the program or take recommended medication. As a final and more recent example, during the hearing in which Defendant requested to be allowed to proceed *pro se*, U.S. Magistrate Judge Hill ordered him to stand and be placed under oath. Defendant refused, stating words to the effect that he did not recognize the Court's authority to require him to swear to the statements he made in court. On these facts, no condition or combination of conditions could reasonably assure Defendant's appearance as required or the safety of the community as necessary for release on conditions, and his request for release is due to be denied.

CONCLUSION

Therefore, the United States respectfully requests the omnibus motion, Doc. 209, be denied without a hearing.

Respectfully submitted,

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United States Attorney

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U.S. v. Emmet Bowens **Case No. 6:21-cr-141-RBD-NWH**

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2026, 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 Nielsen
Stand-by counsel for the defendant

I hereby certify that on January 9, 2026, a true and correct copy of the foregoing document and the notice of electronic filing were sent by United States Mail to the following non-CM/ECF participant(s):

Emmet Bowens
Defendant

/s/ Rachel S. Lyons
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