**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF FLORIDA**
**ORLANDO DIVISION**

**Case No.: 6:21-cr-141-RBD-NWH**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**EMMET BOWENS,**

Defendant.
_____/

Orlando, Florida
July 13, 2022
9:37 a.m. - 9:48 a.m.

**TRANSCRIPT OF COMPETENCY HEARING**
**BEFORE THE HONORABLE EMBRY J. KIDD**
**UNITED STATES MAGISTRATE JUDGE**

**APPEARANCES:**

**Counsel for the Government:**

Amanda Sterling Daniels
United States Attorney's Office
400 West Washington Street, Suite 3100
Orlando, Florida 32801

**Counsel for Defendant:**

Andrew C. Searle
Searle Law PA
200 East Robinson, Suite 1150
Orlando, Florida 32801

Transcriptionist: Nikki L. Peters, RMR, CRR, CRC
Federal Official Court Reporter
401 West Central Boulevard, Suite 4600
Orlando, Florida 32801
courttranscripts@outlook.com

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**P R O C E E D I N G S**

(Court called to order.)

**THE COURTROOM DEPUTY:** Case No. 6:21-cr-141, United States of America v. Emmet Bowens.

Counsel, please state your appearance for the record.

**MS. DANIELS:** Good morning, Your Honor.

Amanda Daniels on behalf of the United States.

**THE COURT:** Good morning.

**MR. SEARLE:** Good morning, Your Honor.

Andrew Searle on behalf of Emmet Bowens, who's present in the courtroom and seated to my right.

**THE COURT:** Good morning.

All right. We're here today for a competency hearing.

I received the report from Dr. Danziger. It's Dr. Danziger's opinion that Mr. Bowens is presently suffering from a psychotic illness which renders him mentally incompetent to the extent he's unable to understand the nature and consequences of the proceedings against him and which renders him unable to assist properly in his defense.

I previously asked the parties to notify me if there were any objections to Dr. Danziger's report. But, for the record, I'll ask the United States, do you object to the report?

**MS. DANIELS:** No, Your Honor.

**THE COURT:** And does the defense?

**MR. SEARLE:** No, Your Honor. However, I do have some issues to address at some point, whenever the Court is ready.

**THE COURT:** Sure.

Okay. So based on the report, which neither party objects to, I do find that -- by a preponderance of the evidence that the defendant is presently suffering from a mental disease or a defect rendering him mentally incompetent to the extent that he is unable to understand the nature or consequences of the proceedings against him or to assist properly in his defense.

So Mr. Bowens will undergo hospitalization at the Bureau of Prisons. He'll be in the custody of the attorney general for that.

Mr. Searle, what would you -- do you have other matters that you'd like to raise?

**MR. SEARLE:** Your Honor, this is, obviously, a very difficult situation for a defense attorney.

Mr. Bowens stands before the Court as a gentleman with minimal to no criminal history who has not been convicted of anything, who is on pretrial release conditions and is currently living with his family at a residence here locally.

And yet, despite that, the statute requires that he be taken into custody and receive treatment through a mandatory hospitalization.

And I've researched this extensively. And the Eleventh Circuit case law is very clear on this issue, that the Court has no discretion whatsoever to circumvent the hospitalization requirement of the statute.

I -- I have no reason to object to Dr. Danziger's findings. I believe his findings are accurate. And I -- I concur with those findings.

Notwithstanding that, given that the consequence for the evaluation is that my client will be taken into the custody of the attorney general for hospitalization, my client has asked the Court to appoint another expert to evaluate him to see if that other expert may come to some other conclusion.

I don't believe that the other expert will make a different finding, but my client, given the consequences of Dr. Danziger's findings, has asked me to ask the Court if the Court would consider appointing another expert to see if another finding could be made by another expert. I understand the Court can rely on Dr. Danziger's report to make its findings, but that is my client's request at this time.

**THE COURT:** All right. Ms. Daniels.

**MS. DANIELS:** Your Honor, the United States would object to the appointment of another expert. The parties have already appointed an expert. He's already been evaluated. Neither party objects to the report. And the Court can reasonably make its finding based off of that.

However, if the Court were inclined to appoint another expert, the United States would request that the defendant be taken into the custody of the attorney general to be evaluated under Section 4247(b), which the Court would have discretion to do at this point.

**THE COURT:** All right. Mr. Searle, what's your response to an evaluation pursuant to --

You said 4247(b)?

**MS. DANIELS:** Yeah, 4247(b), Your Honor. About part of the way down, it says: "For the purposes of an examination pursuant to an order under Section 4241" -- and then it lists two other sections -- "the Court may commit the person to be examined for a reasonable period but not to exceed 30 days."

**THE COURT:** Oh, sure. But that would be really pursuant to 4241(b), which would be the examination prior to the hearing.

So if we were to do that, we would essentially be continuing this hearing and then sending him to, you know, Bureau of Prisons to be evaluated.

And, frankly, Mr. Searle, Dr. Danziger was appointed at the request of the defense, as I recall, over the objection by the United States. So I view Dr. Danziger as a defense expert, and I don't really see a reason to appoint another defense expert to evaluate Mr. Bowens. At most, if there is any sort of objection, I would accept the United States'

recommendation that the Bureau of Prisons evaluate Mr. Bowens. But that's the alternative that I think we're looking at here: Either we accept Dr. Danziger's report and he goes to Bureau of Prisons to undergo treatment, or we -- Dr. Danziger's report is contested -- I guess by the defense itself -- and we get another opinion from the Bureau of Prisons nevertheless.

**MR. SEARLE:** Yes, I understand, Your Honor.

And I -- I agree, I'm the one that requested Dr. Danziger. I believe he's eminently qualified. And that's why I don't contest the findings in his report.

As I -- as I stated at the outset, Your Honor, this is a difficult situation. My client's family is obviously not happy with the outcome here. Frankly, they're not happy with me, given that this is where we're at in this case. But I understand what the Court is saying.

May I have a moment to confer with my client to explain --

**THE COURT:** Sure.

**MR. SEARLE:** -- to him what the Court's analysis is?

**THE COURT:** Sure. Do you need -- I don't know how much time you need. I have a 10:00 o'clock hearing. We can continue this until after that 10:00 o'clock detention hearing.

I don't know how much time you need to confer with him. Or, if you need only a few minutes, that's fine.

**MR. SEARLE:** Can I just have one moment?

**THE COURT:** Sure. Go ahead.

(Court was at ease.)

**MR. SEARLE:** Your Honor, my client has now indicated that it's his -- it's his wish to rely solely on Dr. Danziger's report and his findings.

I would request that the Court recommend in the order the Butner facility for the restoration treatment.

And I would also ask that the Court allow for my client to self-surrender to that facility at a date in the future.

**THE COURT:** All right. Does the United States object to either of those requests?

**MS. DANIELS:** The United States would recommend that the Court put Butner or the first available facility.

I don't want to delay the process if Butner is backed up for some reason.

I don't have an objection to the defendant self-surrendering. But I don't -- given the language of the statute, which just says that the Court shall order the defendant to be committed to the custody of the attorney general, it's unclear to me whether or not the Court would have the discretion to delay the commitment to the attorney general -- the custody of the attorney general. But I don't have an objection if the Court --

**THE COURT:** Okay.

**MS. DANIELS:** -- does.

**THE COURT:** Thank you.

I read the statute assaying that he does have to be committed to the custody of the attorney general but not immediately remanded to the custody. So I think self-report is an option.

Based on past experience, I will recommend Butner. But just based on how -- bed availability, recently, in some of these cases, I think I agree with the United States that first available might be better. Because sometimes it's taking, you know, months for space to become available.

**MR. SEARLE:** Yes, Your Honor. I understand that. In my experience, Butner is the best facility for addressing the issues my client is dealing with.

**THE COURT:** I think it's also the closest, and sometimes -- I think there's a facility in Texas. But, yes, I will make the recommendation for Butner. But if --

**MR. SEARLE:** I know that Miami does, from time to time, do --

**THE COURT:** Miami --

**MR. SEARLE:** -- restoration --

**THE COURT:** -- as well. That's right.

**MR. SEARLE:** -- but, in my experience, they do not, frankly, do as good of a job as Butner. And I haven't had good results when a client has been sent there. Frankly, a lot of

times the situation gets worse.

**THE COURT:** So you would prefer Butner, even if the wait for Butner is longer than, for instance, Miami?

**MR. SEARLE:** Yes, Your Honor. Absolutely.

**THE COURT:** Well, ultimately, it's going to be the decision of the Bureau of Prisons, but I'll recommend Butner.

But I imagine if it looks like it's going to unnecessarily delay the proceedings, they might come to a different conclusion. But, in the order, I will recommend Butner.

**MR. SEARLE:** Thank you, Your Honor.

**THE COURT:** All right. So, as I stated, I will commit the defendant to the custody of the attorney general.

I will allow him to self-report to the designated facility. I'll make a recommendation for Butner. And that will be in a written order.

Is there anything else to take care of from the United States?

**MS. DANIELS:** No, Your Honor. Thank you.

**THE COURT:** From the defense?

**MR. SEARLE:** No, Your Honor. Thank you.

**THE COURT:** All right. This hearing is adjourned.

(Proceedings adjourned at 9:48 a.m.)

**C E R T I F I C A T E**

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

February 25, 2026

s\ Nikki L. Peters

Nikki L. Peters, RMR, CRR, CRC
Federal Official Court Reporter
United States District Court
Middle District of Florida