UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
CASE NUMBER 6:21-cr-141-RBD-NWH

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Orlando, Florida
v.	:	January 26, 2026
	:	1:39 p.m.
EMMET BOWENS, also known as Emmitt Bowens,	:	
	:	
Defendant.	:	

TRANSCRIPT OF GUILTY PLEA HEARING

BEFORE THE HONORABLE ROY B. DALTON, JR.
UNITED STATES DISTRICT JUDGE

APPEARANCES:

Counsel for Government:	Rachel Lyons Megan Testerman
Counsel for Defendant:	Pro Se
Standby Counsel:	Michael W. Nielsen

Court Reporter: Amie R. First, RDR, CRR, CRC, CPE
Federal Official Court Reporter
401 West Central Boulevard, Suite 4600
Orlando, Florida 32801
AmieFirst.CourtReporter@gmail.com

Proceedings recorded by Realtime Stenography.

Transcript produced by Computer-Aided Transcription.

P R O C E E D I N G S

*****

(Court called to order.)

THE COURT: We're back on the record in United States versus Bowens, Case Number 6:21-cr-141.

Before I bring our jury back, Mr. Bowens, my courtroom deputy has brought to my attention that over the lunch break that you, at least, wanted to consider the possibility of entering a plea, changing your plea from not guilty to guilty.

Do you want more time to consider that? Are you thinking about that? If you are, I have some things I'll share with you. If you're not, we'll move on.

MR. BOWENS: Yes. Yes, sir.

THE COURT: Actually, speak into that microphone so I can hear you clearly, if you would.

MR. BOWENS: This?

THE COURT: Yes, sir, that's fine.

MR. BOWENS: Yes, sir. I want to change my plea to plea out at this time.

THE COURT: Okay. So here's what I'm going to do, Mr. Bowens. It's absolutely your right to do that, to change your plea. I just want to make sure that you understand, I'm going to keep our jury here. I'm going to undergo a plea colloquy with you.

And it's important for you to remember that I'm going to ask you -- you're going to have to admit on the record that you are guilty of the offenses charged in the Indictment.

So I just want to be honest with you, there can't be any quibbling about it, right? You can't say, well, you know, I didn't really do it or I'm just pleading guilty because I want to get this over with, because that's not the way it works, right?

I can't accept your plea unless you acknowledge that you're guilty of the offenses that are charged in the Indictment.

I just want to make sure that I'm straight with you about that and that you and I are communicating.

MR. BOWENS: Yes, yes.

THE COURT: Do you understand that?

MR. BOWENS: Uh-huh.

THE COURT: Okay.

Mr. Downey, how about let our jurors know that we're going to be a few minutes. I'll be with them as quickly as I can.

You can have a seat there, Mr. Bowens.

(Brief pause.)

THE COURT: All right. Mr. Bowens, why don't you stand up for me, if you would, please, and raise your right

hand. My courtroom deputy is going to place you under oath.

THE DEPUTY CLERK: Do you swear or affirm that the answers you will give to the questions asked of you by the Court or counsel will be the truth, the whole truth, and nothing but the truth?

MR. BOWENS: Yes.

THE COURT: All right. So you can put your hand down, Mr. Bowens, but if you'll stay standing for just a minute.

It's important for you to appreciate that you've taken an oath to tell the truth. If you're not truthful in answering my questions or any information that you provide for me this afternoon -- yeah, this afternoon -- that could form the basis for a prosecution for perjury or for making a false statement. Both of those things are felonies.

Do you understand that?

MR. BOWENS: Yes.

THE COURT: All right. It's important for you also to remember that the testimony that you give today or the answers that you provide to my questions can be used against you in later proceedings if you were to challenge the taking of the plea, the judgment, the conviction, or the sentence.

Do you understand that also?

MR. BOWENS: Yes.

THE COURT: All right. Would you tell me your full name, please, sir.

MR. BOWENS: Emmet Bowens.

THE COURT: And is that your legal name?

MR. BOWENS: Yes.

THE COURT: Have you ever been known by other names?

MR. BOWENS: No.

THE COURT: How old are you, sir?

MR. BOWENS: 57.

THE COURT: What is your date of birth?

MR. BOWENS: 10/20/1968.

THE COURT: Thank you.

How much schooling have you had, Mr. Bowens?

MR. BOWENS: I finished high school.

THE COURT: Can you read, write, and understand the English language?

MR. BOWENS: Yes.

THE COURT: And are you under the influence of any drugs, alcohol, medication, or other intoxicants this afternoon?

MR. BOWENS: No.

THE COURT: So far as you know, are you in need of any kind of medical or mental health care?

MR. BOWENS: No.

THE COURT: Are you taking any prescription medications?

MR. BOWENS: No.

THE COURT: Have you ever suffered from any mental or emotional illness?

MR. BOWENS: No.

THE COURT: To your knowledge, are you suffering from any mental or emotional disease or illness now?

MR. BOWENS: No.

THE COURT: Do you understand where you are, what you're doing, and the importance of this proceeding?

MR. BOWENS: Yes.

THE COURT: And, Mr. Nielsen, I know you're here in the capacity as standby counsel. But after your discussions with Mr. Bowens, do you have any concerns with respect to his competency to enter a plea?

MR. NIELSEN: No, Your Honor.

THE COURT: Okay. And, Ms. Lyons, do you wish me to make any further competency inquiry?

ATTORNEY LYONS: No, Your Honor.

THE COURT: All right. You can have a seat there, Mr. Bowens.

I'm going to go over a few things with you. As I mentioned, the purpose of my questions is not to influence

your decision at all but simply to satisfy myself that you understand the consequences of pleading guilty and that your decision to plead guilty is made freely and voluntarily.

Fair enough?

MR. BOWENS: Yes.

THE COURT: All right. If you don't understand my questions or if you want to take a minute and consult with Mr. Nielsen, you're welcome to do that. Just let me know.

If you have a question for me, I'm happy to take it. And if I can answer it, I'll be happy to.

Understood?

MR. BOWENS: Yes.

THE COURT: Has the Government complied with the Crime Victims' Rights Act to the extent that it's applicable, Ms. Lyons?

ATTORNEY LYONS: Yes, Your Honor.

THE COURT: All right. You have a right, Mr. Bowens, to plead not guilty as you've previously done and to persist in that plea. If you were to maintain your plea of not guilty, you have the following rights under the Constitution and laws of the United States.

You have the right to a speedy and public trial and to be tried by a jury of 12 or by a judge if you were to waive a jury trial. If you're tried by a jury, all

12 jurors must unanimously agree upon your guilt in order for you to be convicted.

You are presumed to be innocent. Before you can be found guilty, the burden of proof is on the United States to prove your guilt by competent and sufficient evidence beyond a reasonable doubt. You do not have to prove that you are innocent.

You have the right to be represented by a lawyer at every stage of the proceedings. And if you cannot afford a lawyer, one will be provided for you.

If your case were to go to trial, as we're in trial now, the witnesses for the Government would be required to come into court and testify in your presence. You would have a right to confront these witnesses against you. By that I mean you have a right to question them, to cross-examine them. You could object to evidence offered by the Government.

You're not required to put on any evidence. But if you had evidence that you wanted to present, you could do that.

You have a right to remain silent so you could not be compelled to testify. But if you wanted to testify, then you could do that as well.

If you had witnesses that would not agree to come voluntarily, I have the authority to issue orders that

would require them to come and attend the proceedings.

Now, if you plead guilty, there won't be a trial, and the jury will be sent home. And on your plea alone, I will find you guilty and convict you of the offenses charged in the Indictment.

Do you understand that?

MR. BOWENS: Yes, sir.

THE COURT: Okay. A plea of guilty means that you admit to the truth of the charges, but a plea of not guilty means that you deny the charges.

Do you understand that distinction?

MR. BOWENS: Yes, sir.

THE COURT: By pleading guilty, you must give up the right not to incriminate yourself because I'm going to ask you questions about the crime to which you're pleading guilty to satisfy myself that there's a factual basis for the plea.

By pleading guilty, you also waive and give up your right to a trial, to confrontation and cross-examination of Government witnesses, and to the issuance of court orders to compel the attendance of defense witnesses at trial.

You may have defenses to the charges that are contained in the Indictment; but if you plead guilty, you waive and give up your right to assert those defenses.

Have you had an opportunity to consult with your standby counsel to talk about any defenses that might be available for you?

MR. BOWENS: Yes.

THE COURT: By pleading guilty, you also waive and give up your right to challenge the way the Government may have obtained any statements, evidence, or confessions in your case. And you may lose the right to appeal, to challenge on appeal any rulings that the Court has made in your case to this point.

By pleading guilty, you may lose certain civil rights such as the right to vote, hold public office, serve on a jury, or to own and possess a firearm. A felony conviction can also prevent you from obtaining or keeping certain occupational licenses.

Are you a citizen of the United States, Mr. Bowens?

MR. BOWENS: Yes.

THE COURT: Do you understand the rights that you have and these things that I've just gone over with you and what it is that you're waiving and giving up by pleading guilty?

MR. BOWENS: Yes, sir.

THE COURT: All right. The federal Sentencing Guidelines apply to your case. Have you talked to

Mr. Nielsen about the Sentencing Guidelines and have a general understanding of how they work?

MR. BOWENS: Yes.

THE COURT: All right. I'm not going to go into great detail about the guidelines, but I do want you to understand how they relate to the sentencing process.

I won't be able to determine what your guideline sentence is until after the Probation Office has completed the preparation of your Presentence Report.

Once that happens and it has been determined what guidelines apply to your circumstances, I have the authority to impose a sentence that's either higher than or lower than the sentence that's called for by the guidelines.

In other words, the guidelines are advisory in nature. I have to consider them, but they're not binding on me. I have the authority to impose any sentence up to and including the maximum permitted by law.

Do you understand that?

MR. BOWENS: Yes, sir.

THE COURT: Under some circumstances, if the Government is not happy with the decision that I make with respect to your sentence, they have a right to take an appeal. That means they could ask a higher court to review the propriety of my sentence and potentially modify it in a

way that might be detrimental to you.

There's not any parole in the federal system. So if you were sentenced to prison, you would not be released on parole.

The sentence that you actually receive may be different from any sentence that was estimated for you, whether you got the estimate from your lawyer or anybody else, for that matter. It may be more severe than you expect. If that happens, you would still be bound by your plea and you would not have a right to withdraw it.

Do you understand that?

MR. BOWENS: Yes, sir.

THE COURT: Did you receive a copy of the Indictment? That's the written document that sets out the charges against you.

MR. BOWENS: No, I haven't received a copy of it.

THE COURT: Okay. I'm sure we can provide one for you.

Let me ask, Ms. Lyons, do you have a copy of the Indictment?

ATTORNEY LYONS: Yes, Your Honor.

THE COURT: Could you give that to Mr. Bowens.

All right. I'm looking at the Indictment myself, Mr. Bowens. Let me go over it with you.

In the Indictment, the Government has charged you

with two counts of wire fraud in connection with the submission of an application for a PPP loan and four counts -- let me find the back part of the Indictment -- four counts of money laundering.

So counts one and two are the wire fraud counts. And counts three, four, five, and six are charges of money laundering.

Do you understand what it is that the Government is charging you with that constitutes federal crimes?

MR. BOWENS: Yes.

THE COURT: All right.

Let me ask this, Ms. Lyons, would you -- and if you need a minute, I certainly understand why.

But could you let Mr. Bowens know what the statutory penalties are for the wire fraud, counts one and two, and the statutory penalties for the money laundering charges in counts three, four, five, and six.

ATTORNEY LYONS: Yes, Your Honor.

The maximum penalties for counts one and two, the wire fraud, is a maximum sentence of 20 years' imprisonment; a maximum fine of $250,000 or twice the gross gain caused by the offense or twice the gross loss, whichever is greater; a term of supervised release of not more than three years, and a mandatory $100 special assessment.

And then for counts three through six, the maximum penalty is 10 years of imprisonment; a maximum fine of $250,000 or, again, twice the gross gain or gross loss caused by the offense, whichever is greater; a term of supervised release of not more than three years; and a special assessment of $100.

THE COURT: All right. Do you understand the potential consequences of your decision to plead guilty, Mr. Bowens?

MR. BOWENS: Yes. Yes, sir.

THE COURT: All right. In order for you to be found guilty of the charges that are contained in the Indictment, the Government would be required to prove the following things beyond a reasonable doubt:

That at or about the time alleged in the Indictment, with respect to the charges of wire fraud, that you knowingly devised or participated in a scheme to defraud someone else by using false or fraudulent pretenses, representations, or promises; that the false pretenses, representations, or promises were about a material fact; that you acted with an intent to defraud; and that you transmitted or caused to be transmitted by wire some communication in interstate commerce to help carry out the scheme to defraud.

Do you understand what the Government would be

required to prove in order to obtain a conviction on the wire fraud counts?

MR. BOWENS: Yes, sir.

THE COURT: All right. With respect to the money laundering counts in counts three through six of the Indictment, the Government would be required to prove the following things beyond a reasonable doubt:

That at or about the time alleged in the Indictment that you knowingly engaged or attempted to engage in a monetary transaction; that you knew the transaction involved property or funds that were the proceeds of some criminal activity; that the property had a value of more than $100,000; that the property was, in fact, proceeds of wire fraud; and that the transaction took place within the United States.

Do you understand what the Government would be required to prove in order for you to be convicted of the charges that are contained in counts three, four, five, and six of the Indictment?

MR. BOWENS: Yes, sir.

THE COURT: Do you have any questions for me about any of those things that we just covered, that is, the elements of the offense and the penalties associated with those offenses?

MR. BOWENS: No, sir.

THE COURT: And has the Court correctly described the penalties as well as -- has the Court correctly described the penalties with respect to Mr. Bowens, Ms. Lyons?

ATTORNEY LYONS: Yes, Your Honor.

THE COURT: Okay. Any questions for me about what we've covered up to this point, Mr. Bowens?

MR. BOWENS: No, sir. I don't have any questions.

THE COURT: All right. Can I ask you to stand for me, please.

Emmet Bowens, how do you plead, sir, guilty or not guilty, to counts one, two, three, four, five, and six of the Indictment?

MR. BOWENS: Guilty.

THE COURT: Are you pleading guilty because you are guilty?

MR. BOWENS: Yes.

THE COURT: And do you understand that pleading guilty means that you admit the truth of the charges against you?

MR. BOWENS: Yes.

THE COURT: And do you now admit that you committed the acts that are set forth in the Indictment?

MR. BOWENS: Yes.

THE COURT: Is your plea entered with an

understanding of what you're doing here today?

MR. BOWENS: Yes.

THE COURT: All right. I'm going to ask Ms. Lyons -- I don't know if you have a factual basis ready, at the ready, but if you do, I'm going to ask you to come to the podium, if you would, and recite the facts that the Government is prepared to prove if your case were to go to trial.

Mr. Bowens, you can have a seat. But what I'd like for you to do is give careful attention to what Ms. Lyons is going to recite in the record. These are the facts that the Government believes they'd be able to prove beyond a reasonable doubt if your case continued on to verdict.

If you disagree with any of these facts or dispute them, you need to let me know about that today, all right? Because when she finishes, I'm going to ask you whether you have any disagreement or dispute with any of these facts.

Fair enough?

MR. BOWENS: Fair.

THE COURT: Okay. You can proceed, Ms. Lyons.

ATTORNEY LYONS: Thank you, Your Honor.

Beginning on an unknown date but at least by on or about May 5th of 2020 and continuing through on or about May 29th of 2020, in the Middle District of

Florida and elsewhere, the defendant, Emmet Bowens, did knowingly, and with the intent to defraud, devise a scheme and artifice to defraud for obtaining money by means of materially false and fraudulent pretenses, representations, and promises.

Additionally, on May 28th and May 29th of 2020, in the Middle District of Florida and elsewhere, Mr. Bowens did knowingly engage and attempt to engage in a monetary transaction, specifically, drafts from Trustco Bank account ending in 4892 in his name to a Wells Fargo Bank account and three Barclays Bank accounts in his name.

These monetary transactions were in and affecting interstate commerce. And the money involved in these transactions was derived from a specified unlawful activity, that is, the wire fraud that is discussed in counts one and two.

It's got some background of the Paycheck Protection Program that I'll read into the record.

In March of 2020, the Coronavirus Aid, Relief, and Economic Security Act, or the CARES Act, was enacted to provide immediate assistance to individuals, families, and organizations affected by the COVID-19 emergency.

Among its various provisions, the CARES Act authorized the U.S. Small Business Administration to

guarantee loans under the Paycheck Protection Program and the full principal amount of the loans could qualify for forgiveness.

Under the PPP, borrowers are required to use PPP loan funds for enumerated purposes, including payroll costs, rent and utilities, and mortgage interest payments knowing this use of PPP funds subjects borrowers to additional liabilities such as charges for fraud.

Under the PPP, the maximum loan amount is the lesser of $10 million or an amount calculated using a payroll-based formula specified in the CARES Act. The payroll-based formula principally considers the borrower's aggregate payroll costs from the preceding 12 months for all domestic employees.

Once an average monthly payroll cost is established, the borrower multiplies that amount by 2.5 to arrive at the total maximum PPP loan amount.

To apply for a PPP loan, potential borrowers electronically submit an SBA Form 2483 with supporting payroll documentation to a financial institution that administers the loan and serves as custodian of the funds.

On the SBA Form 2483, an authorized representative must make several certifications about his business operations and related information.

Those certifications include that, one, the

applicant was in operation on February 15th, 2020, and had employees for whom it paid salaries and payroll taxes, or paid independent contractors as reported on a Form 1099; two, current economic uncertainty made the loan request necessary to support the applicant's ongoing operations; and, three, that the PPP funds would be used to retain workers and to maintain payroll or pay other qualifying expenses.

Further, when submitting the SBA Form 2483, the authorized representative certifies that should they knowingly use the PPP funds for unauthorized purposes, the United States can hold them legally liable, including for charges of fraud.

The applicant must also certify the truth and accuracy of any information provided on the SBA Form 2483 and in all supporting documents.

Such supporting documents could include payroll taxes, filings with the Internal Revenue Service, such as the employer's quarterly federal tax return or the I.R.S. Form 941.

Finally, the applicant must certify a warning that false statements could lead to charges for fraud and other criminal penalties.

On May 5th of 2020, Mr. Bowens submitted a fraudulent PPP loan application. As the basis for the loan

application, Mr. Bowens provided information for a fake IT company named Buccaneer Technologies.

In support of his application, Mr. Bowens filled out the required loan application and electronically submitted the application to a financial institution, Harvest Small Business.

On the application, Bowens listed Buccaneer as a qualifying business and listed a business address on West Flagler Street in Miami, Florida. He listed himself as the CEO.

On the application, in order to obscure his true identity, Mr. Bowens input a variation of the proper spelling of his name, which is Emmitt, E-M-M-I-T-T, Bowens as listed in the AKA on the Indictment.

Although he used a variation of the spelling of his name, he listed his correct personal address and Social Security number in the applicant ownership field of the application. He also provided a color photocopy of his Florida driver's license with his application.

The Google subscriber information for the email address listed on this application identifies Mr. Bowens as the name associated with that email address.

On his application, Mr. Bowens claimed that his monthly average payroll for Buccaneer Technologies was $295,883, and he requested a loan in the amount of

$739.582.50.

To support this portion of the application, Mr. Bowens claims that Buccaneer Technologies employed 102 employees.

To corroborate that claim, he submitted an unsigned Form 940 for 2019 listing Buccaneer's employment identification number ending in 4838. On that form, he claimed to have made $3.5 million in total payments to employees during tax year 2019.

He also included two federal Form 941 deposit reports for Buccaneer Technologies claiming to cover the period between January 1st, 2019, to December 31st, 2019, and claiming to have paid large amounts of various federal tax payments by the company. He submitted a second 941 claiming to cover the period from January 1st, 2020, to May 5th, 2020.

The IP address and subscriber information for the submission of the loan application result to Mr. Bowens' listed residence that he shares with his wife and daughter in Apopka, Florida.

Mr. Bowens digitally signed the loan application with a digital signature stamp and a PDF image of what appears to be his actual signature.

The application was approved and a loan in the amount of $739,582 was funded by the lender on May 20th

of 2020. The funds were wired from the lender's account at East West Bank to Mr. Bowens' personal Trustco Bank account ending in 4982. Those wires moved in interstate and foreign commerce as the servers were located outside the state of Florida.

The information that Mr. Bowens submitted with his PPP application was false. Buccaneer is a fake business that never employed anyone and was created for the purpose of taking advantage of the PPP loan program.

Specifically, Florida Sunbiz records show that Buccaneer Technologies' articles of incorporation were not filed until May 11th, 2020, six days after Mr. Bowens filed his application for the PPP loan.

In fact, the filing information provided by the I.R.S. demonstrated that no taxes were ever filed by Buccaneer Technologies nor any other business bearing the employee identification number listed in the application.

There are no records of wage and earning reports being filed for this business, nor for Mr. Bowens, with the State of Florida Department of Revenue.

Mr. Bowens also never employed anyone in connection with this business. His bank records confirm that there is no evidence of any payments to a payroll company, no regular payments of any kind by Buccaneer Technologies, and no check issued by Buccaneer for services

or supplies.

Moreover, the address listed for Buccaneer Technologies result to a company that provides virtual and physical work space for businesses. Although this company provides a virtual work space, per the company's website, the cost to rent a virtual space ranges between $400 to $10,500 a month.

Mr. Bowens' financial records show no payments to this company that would indicate he was renting physical or virtual space for the company.

Finally, there was no internet presence whatsoever for Buccaneer Technologies.

The lender received PPP loan applications through a server located in California. It disbursed the funds from its bank account at East West Bank. East West Bank maintains its servers in Las Vegas, Nevada, with a backup server in Phoenix, Arizona.

Money that was disbursed to Mr. Bowens was sent directly to his account at Trustco Bank. And in May of 2020, Trustco Bank processed the wires at its headquarters located in New York.

Mr. Bowens did not use any of the PPP loan funds to cover legitimate or approved costs, such as payroll, utilities, or rent. Rather, after the PPP funds were deposited into his Trustco account, while he was located

in the Middle District of Florida, he split the money between six bank accounts at four different banks over the course of only nine days. One of these bank accounts was opened after the loan application was submitted, and two more accounts were opened after he received the loan funds.

Instead of using the money for its intended purpose, Mr. Bowens sent portions of the PPP loan funds to his wife and daughter. He withdrew large sums in cash and spent portions of the funds on retail purchases and what appeared to be a cross-country vacation.

Specifically, Mr. Bowens transferred $100,000 from his Trustco account ending in 4982 to his personal Wells Fargo account ending in 0200 on May 28th, 2020. He wrote a check out to himself as of May 27th, 2020. Prior to depositing that check, Mr. Bowens' Wells Fargo account showed a balance of zero dollars.

In addition to the financial transaction to his own pre-existing account, he also sent money to his wife and daughter on the same day. Specifically, he sent $10,000 to an account registered to his daughter and $5,000 to his wife.

In addition to transferring PPP proceeds to his already existing accounts, into the accounts of his wife and daughter, Mr. Bowens opened new bank accounts at Barclays Bank to which he also transferred portions of the

PPP funds.

The information for these accounts is as follows:

For Account Number 9467, it was opened on May 14th, 2020, with himself as the sole signatory. On May 29th, while located in the Middle District of Florida as confirmed by his IP address, Mr. Bowens initiated an internet transfer from his Trustco account ending in 4982 to this account in the amount of $250,000.

The balance of this account prior to the transfer was zero dollars. There were no other deposits to the account. There were also no additional deposits into the account other than accrued interest or withdrawals from the account by Bowens after this initial transfer.

These funds were subsequently seized by the F.B.I.

For Account Number 8297, this account was opened on May 28th, 2020, again, with the defendant as the sole signatory.

On May 29th, Mr. Bowens, while located in the Middle District of Florida, initiated an internet transfer from his Trustco account ending in 4982 to this account in the amount of $250,000.

The balance of this account prior to the transfer was $25, which represents the fee required to open the account. There were no additional deposits to the account other than accrued interest. No withdrawals from the

account by Mr. Bowens.

And, again, the IP address used to transfer the funds result to his house in Apopka, Florida. Those funds were also seized by the F.B.I.

Finally, Account Number 8303 was opened on May 28, 2020, with the defendant as the sole signatory. On May 29th, Mr. Bowens, while located in the Middle District of Florida, initiated a transfer from his Trustco account to this account in the amount of $115,000.

The balance of this account prior to the transfer was $25, again, the fee required to open the account. There were no additional deposits into the account other than interest and no withdrawals from that account.

The IP address, likewise, result to Mr. Bowens' residence. And those funds were also seized by the F.B.I.

As stated, Mr. Bowens did not use the PPP loans for payroll or other approved expenses as the business did not exist. Instead, he used the money for dinners, retail purchases, and to fund what appeared to be a cross-country vacation.

And on June 18th, 2020, Mr. Bowens stopped at a Wells Fargo Bank branch in East Memphis, Tennessee, and withdrew $44,000 in cash from his Wells Fargo account that ended in 0200. He signed the withdrawal slip with what appears to be the same signature he used to sign the

PPP loan. And he and his wife were captured on the bank's surveillance footage.

THE COURT: All right. Thank you, Ms. Lyons.

So, Mr. Bowens, did you listen carefully to the Government's recitation of the facts?

MR. BOWENS: Yes, sir.

THE COURT: All right. I'm not concerned so much about the history of the CARES Act and the legislative purpose behind passing the CARES Act.

But as it relates to your conduct, do you admit that that's what you did?

MR. BOWENS: Yes.

THE COURT: And do you agree that the facts that were recited by the Government establish all of the elements necessary to sustain a conviction on the two counts of mail fraud and the four counts of money laundering?

MR. BOWENS: Yes.

THE COURT: All right. I find there is a factual basis --

MR. NIELSEN: Excuse me, Judge. I am so sorry. I have to say something, if it's okay, because I don't want you to make your finding and then tell you this because you're going to not be happy. So I apologize. I didn't know where to jump up.

But I do want to put something on the record since the jury is here and everyone is here. It relates to acceptance of responsibility. And I just want Mr. Bowens, to be clear -- and I'm asking the Court to basically confirm what I've told him, and I'm going to ask the Government if they agree that was our conversation because this could easily become a point --

THE COURT: Well, get to it, Mr. Nielsen. What is it?

MR. BOWENS: Judge, because he waited to plea now, I have advised him that he may not get acceptance scored by the probation department.

Now, I talked to the Government attorneys about it, and their position is they did not oppose the two levels that he would be entitled to. But they are not going to move for the third level. And I've explained that to Mr. Bowens. And he's understanding that, I believe.

But, I'm sorry, but I just thought that was something I should put out there to let you know in case it came up later that we deal with it now.

THE COURT: Okay. Well, the question of acceptance of responsibility, Mr. Bowens, is something that the Court will make a determination about at the time of your sentencing.

The Probation Office will have a recommendation

one way or the another; the Government will have a recommendation one way or the other, but, ultimately, I'll be the one to decide whether or not you get credit for acceptance of responsibility and, if so, to what extent.

I will tell you that, you know, there's no prejudgment about that. I understand -- what I understand Mr. Nielsen to say, which I'm going to ask Ms. Lyons to confirm, is that the Government is going to not oppose that you be given credit for two levels of offense adjustment in your favor for acceptance of responsibility, but they're not going to make a motion that you be given the customary third level.

Is that correct, Ms. Lyons? Is that the Government's position?

ATTORNEY LYONS: That's correct, Your Honor.

THE COURT: All right. And so those recommendations are generally the kinds of thing that the Court gives weight to, but ultimately it's my decision.

Do you understand?

MR. BOWENS: Yes, sir.

THE COURT: Okay. Has anyone threatened you, coerced you, or forced you in any way in connection with your decision to change your plea, Mr. Bowens?

MR. BOWENS: No, sir.

THE COURT: Is it your own independent decision to

plead guilty?

MR. BOWENS: Yes, sir.

THE COURT: Is your plea freely and voluntarily made?

MR. BOWENS: Yes.

THE COURT: Has anyone given you any assurances or made any promises to you in order to induce you to plead guilty?

MR. BOWENS: No, sir.

THE COURT: Are you relying upon any promise, assurance, or understanding with anyone about the sentence that you'll receive?

MR. BOWENS: No, sir.

THE COURT: And has anybody promised that you'd be given a light sentence or somehow be rewarded for your decision to plead guilty?

MR. BOWENS: No, sir.

THE COURT: All right. And, Mr. Nielsen, I know that you're in capacity as standby counsel, but as far as you know, are you aware of any promises or assurances or understandings given to Mr. Bowens as to a disposition of his case with respect to his decision to change his plea?

MR. NIELSEN: No, Your Honor.

THE COURT: And, Ms. Lyons, what about from the Government's point of view?

ATTORNEY LYONS: No, Your Honor.

THE COURT: All right.

So, Mr. Bowens, you made a decision to represent yourself, and I appreciate that and I respect that decision; but I've also appointed Mr. Nielsen to serve as standby counsel for you.

I just want to confirm for the record, has Mr. Nielsen made himself available to consult with you and to answer questions that you might have had as they arose?

MR. BOWENS: Yes, sir.

THE COURT: All right. Do you have any concerns about the way you've been treated by the Court or anyone else, for that matter, that's influenced your decision to plead guilty?

MR. BOWENS: No, sir.

THE COURT: Do you have any complaints about Mr. Nielsen or the way that Mr. Nielsen has represented you in his very limited capacity?

MR. BOWENS: No, sir.

THE COURT: All right. Has anyone coached you or suggested that you not be truthful in answering my questions this afternoon?

MR. BOWENS: No, sir.

THE COURT: And have you told me the truth?

MR. BOWENS: Yes, sir.

THE COURT: All right. And is the Government satisfied with the colloquy, Ms. Lyons?

ATTORNEY LYONS: Yes, Your Honor.

THE COURT: And is the defense satisfied, at least, Mr. Nielsen, as far as your standby counsel capacity is concerned?

MR. NIELSEN: Yes, sir.

And, again, I apologize for the interruption, Your Honor.

THE COURT: That's fine.

And how about you, Mr. Bowens, do you understand all these things that we've talked about and you want to stand by your decision to change your plea?

MR. BOWENS: Yes, Your Honor.

THE COURT: Okay.

All right. I'm satisfied that Mr. Bowens knows what he's charged with, that he's had sufficient time to counsel with his standby counsel, and that he's making his decision freely and voluntarily with full knowledge of the consequences.

So, Mr. Bowens, I do find, sir, that you are now alert and intelligent, that you understand the nature of the charges against you as well as the possible penalties, that you appreciate the consequences of pleading guilty.

I also find the facts which the Government is

prepared to prove and which by your plea of guilty you admit state all the essential elements of the offense to which you've entered your plea.

I further find that your decision to plead guilty is freely, voluntarily, knowingly, and intelligently made, and that you've had the advice and counsel of a competent lawyer with whom you say you are satisfied.

Do you agree with those findings, Mr. Bowens?

MR. BOWENS: Yes, sir.

THE COURT: All right. I'm going to accept your plea of guilty and adjudicate you guilty of the offenses.

I'm going to schedule your sentencing for May the 5th at 10:00 in the morning.

So it's a little longer than I anticipated. When did we go from 70 to 90 days? Anyway, I'll talk to you about that later.

But I'm going to schedule it for May the 5th at 10:00 in the morning.

Here's what will happen, Mr. Bowens. The Probation Office will undertake an investigation to prepare a Presentence Report. It will be necessary for you to talk with them. You can give them information or not. It's entirely up to you. But they'll prepare information for me to take into account in connection with the sentencing process.

They'll also establish the guidelines that apply to your case. I've already gone over how the guidelines work with you.

If you'd like for Mr. Nielsen to continue to be available to help you during that process, I'm going to ask him to continue to stay on in that capacity. If you want him to appear as your counsel as opposed to being standby counsel, I'm happy for that to happen as well.

If you want to continue to represent yourself, you can do that also. I don't encourage that because I think Mr. Nielsen could bring a lot of value to the process. But it's your right. Right? So I don't want to tread in your territory.

But Mr. Nielsen will continue to be available if you want to consult with him about the calculation of the guidelines. And if there are any objections to the way the guidelines are calculated or the facts that are contained in the Presentence Report, you'll be given a chance to raise those with me at the time of sentencing before sentence is imposed.

And if you want to take advantage of it, I'll give you an opportunity to talk with me directly at the time of sentencing before I impose sentence.

Any questions for me, Mr. Bowens?

MR. BOWENS: No, sir.

THE COURT: All right. Anything further from the United States?

ATTORNEY LYONS: No, Your Honor. Thank you.

THE COURT: All right.

Mr. Bowens, I'm going to continue to remand you to the custody of the United States Marshal to await sentencing.

And if you have any written materials that you want me to consider, I need you to submit those at least seven days before the sentencing.

Same for the Government as well.

All right. And if there's nothing further, then we'll be in recess.

And I'm going to discharge the jurors unless either -- if the Government wants the jury to be discharged in open court, I'm happy to do that.

ATTORNEY LYONS: I don't think that's necessary, Your Honor.

THE COURT: Okay. Thank you.

All right. We'll be in recess.

I'm going to go back and speak to the jurors, tell them what's happened. And I appreciate it.

And I'll see you back here in May, Mr. Bowens, in connection with your sentencing.

MR. BOWENS: Thank you.

(Proceedings adjourned at 2:17 p.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.

March 5, 2026

s\ Amie R. First

Amie R. First, RDR, CRR, CRC, CPE
Federal Official Court Reporter
United States District Court
Middle District of Florida