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

ORDER

Before the Court are the *pro se* Defendant's motions to withdraw and vacate his guilty plea, to terminate standby counsel, and for an evidentiary hearing. (Docs. 226–29; *see* Doc. 236.)

Defendant makes conclusory assertions that the plea, which he entered on the first day of trial after jury selection was conducted, was not "knowingly, intelligently, or voluntarily made" and that he was "coerced by counsel." (Doc. 226, p. 1; *see* Docs. 222, 227–29.) He filed a declaration sworn under penalty of perjury in support.[1] (Doc. 230.)

As to the motion to withdraw a guilty plea, courts consider "(1) whether close assistance of counsel was available; (2) whether the plea was knowing and voluntary; (3) whether judicial resources would be conserved; and (4) whether the

[1] Though Bowens is incarcerated in Florida, the motions and declaration were mailed from Mississippi, and the signature is distinctly dissimilar from Bowens' signature filed on documents earlier in the case. (*See* Docs. 226-1, 227-1, 228-1, 229-1, 230-1. *Compare* Doc. 29, *with* Doc. 230.)

government would be prejudiced if the defendant were allowed to withdraw his plea." *United States v. Buckles*, 843 F.2d 469, 472 (11th Cir. 1988) (citation omitted). A defendant's statements during a plea colloquy are strongly presumed to be true. *See United States v. Gonzalez-Mercado*, 808 F.2d 796, 800 n.8 (11th Cir. 1987).

Here, Defendant stated under oath that he committed the underlying offenses, that he had no complaints about his standby counsel, and that he understood the consequences of pleading guilty. (Doc. 235, Tr. 28:12, 32:19, 33:14.) The Court observed Defendant during the colloquy and found his statements to be credible. Defendant's later conclusory allegations fail to rebut the strong presumption of veracity of his statements during the colloquy. *See Gonzalez-Mercado*, 808 F.2d at 800 n.8. So Defendant has not shown that he lacked close assistance of competent counsel—a conclusory assertion that standby counsel "coerced" him with nothing more does not suffice—or that his plea was not knowing and voluntary. *See Buckles*, 843 F.2d at 472. And the Government would be prejudiced by having to reschedule a new trial after already dismissing its witnesses and expending considerable resources in preparing for the aborted first trial—not to mention the judicial resources wasted. (*See* Doc. 236, pp. 13–14.) So Defendant's motions to withdraw and vacate his guilty plea are due to be denied.

As to the motion to terminate standby counsel, an indigent defendant has no right to substitute counsel in the absence of good cause. *United States v. Garey*,

540 F.3d 1253, 1263 (11th Cir. 2008). And when a "defendant rejects his court-appointed counsel or otherwise engages in behavior that creates tension between his right to counsel and his right to self-representation," the court may deny the defendant's request for substitute counsel and require him to proceed *pro se* or with the current counsel. *See id.* at 1265–66.

Here, Defendant has not shown good cause because his assertion that standby counsel coerced him is unsupported by any facts. *See Garey*, 540 F.3d at 1263. The Court will not indulge Defendant's repeated misbehavior by granting him a seventh lawyer. (*See* Docs. 22, 34, 110, 148, 149, 171.) If Defendant dislikes standby counsel, he can either ignore him or proceed *pro se*.[2] *See Garey*, 540 F.3d at 1265–66. The Defendant's motions are meritless.

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant's motions (Docs. 226–29) are **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on March 27, 2026.

ROY B. DALTON, JR.
United States District Judge

[2] If standby counsel believes there is an actual conflict, he should move to withdraw.