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

UNITED STATES' MOTION FOR ORDER OF FORFEITURE AND PRELIMINARY ORDER OF FORFEITURE FOR SPECIFIC ASSETS

Pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), the United States files this motion for an order of forfeiture against the defendant in the amount of at least $739,582.50, representing the amount of proceeds he obtained from the wire fraud scheme charged in Counts One and Two of the Indictment, as well as, the following specific assets which 1) constitute or are derived from proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts One and Two, and/or 2) is property involved in the money laundering offenses charged in Counts Four through Six of the Indictment:

a. approximately $250,610.82 seized from Barclays Bank account number 130006679467 held in the name of Emmet Bowens;

b. approximately $250,668.76 seized from Barclays Bank account number 130006698297 held in the name of Emmet Bowens; and

c. approximately $115,321.18 seized from Barclays Bank account number 130006698303 held in the name of Emmet Bowens.

In support of its motion, the United States submits the following memorandum of law.

MEMORANDUM OF LAW

I. Statement of Facts

A. Allegations Against the Defendant

1. In pertinent part, Counts One and Two charge the defendant with a wire fraud scheme, in violation of 18 U.S.C. § 1343. Counts Four through Six charge the defendant with money laundering, in violation of 18 U.S.C. § 1957. Doc. 1.

2. The Indictment also contained forfeiture allegations putting the defendant on notice that, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), and 28 U.S.C. § 2461(c), the United States would seek an order of forfeiture in the amount of $739,582.50, representing the amount of proceeds the the defendant obtained from his participation in the wire fraud scheme, as well as the specific assets identied above. *Id.* at 9-10.

B. Finding of Guilt and Admissions of Fact

3. On January 26, 2026, the defendant, without the benefit of a plea agreement, pled guilty in open court to Counts One through Six of the Indictment. Doc. 222 and Transcript of Guilty Plea Hearing at p.16. The Court accepted the defendant's plea and adjudicated him guilty. *Id.*

4. Specifically, the defendant admitted that beginning on an unknown date, but at least by or about May 5, 2020 and continuing through on or about May 29, 2020, he knowingly, and with the intent to defraud, devised a scheme and artifice to defraud for obtaining money by means of materially false and fraudulent pretenses, representations, and promises. Transcript of Guilty Plea Hearing at pp. 17-18 & 28. Additionally, on May 29, 2020, the defendant did knowingly engage and attempt to engage in three monetary transactions in and affecting interstate commerce, specifically, drafts from Trustco Bank account ending in 4892 in his name to three Barclays Bank accounts in his name. *Id.* at 18 & 28. The money involved in these transactions were derived from a specified unlawful activity, that is, the wire fraud scheme charged in Counts One and Two of the Indictment. *Id.*

C. Admissions Relating to Forfeiture

5. The defendant further admitted that as a result of his wire fraud scheme, he obtained $739,582, which was wired transferred into his personal Trustco Bank account ending in 4982. *Id.* at 22-24 & 28. From that account, the defendant then opened new bank accounts at Barclays Bank, into which he transferred a portion of these funds. *Id.* at 25-26 & 28. Specifically, Barclays Bank account number 130006679467 held in the name of Emmet Bowens was opened on May 14, 2020, with the defendant as the sole signatory. On May 29, 2020, while located in the Middle District of Florida as confirmed by his IP address, the defendant 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 the defendant after this initial transfer. These funds were subsequently seized by the FBI. *Id*. at 26 & 28.

6. Barclays Bank account number 130006698297 held in the name of Emmet Bowens was opened on May 28, 2020, with the defendant as the sole signatory. On May 29, 2020, the defendant, while located in the Middle District of Florida as confirmed by his IP address, 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 and no withdrawals from the account. These funds were also subsequently seized by the FBI. *Id*. at 26-28.

7. Barclays Bank account number 130006698303 held in the name of Emmet Bowens was opened on May 28, 2020, with the defendant as the sole signatory. On May 29, 2020, the defendant, while located in the Middle District of Florida as confirmed by his IP address, 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. These funds were also seized by the FBI. *Id*. at 27-28.

8. The defendant admitted that he spent the remaining funds on his wife and daughter, retails purchases, dinners, a cross county vacation, and on cash withdrawals. *Id*. at 25, 27, & 28.

II. Applicable Law

A. Applicable Forfeiture Statutes

The Court's authority to order civil forfeiture of property for violations of 18 U.S.C. § 1343 is found in 18 U.S.C. § 981(a)(1)(C). Section 981(a)(1)(C) provides for the civil forfeiture of any property, real or personal, which constitutes or is derived from proceeds from any offense constituting "specified unlawful activity" as defined in 18 U.S.C. § 1956(c)(7). A "specified unlawful activity," as defined in 18 U.S.C. § 1956(c)(7), includes offenses listed in 18 U.S.C. § 1961(1). Specifically, 18 U.S.C. § 1961(1) includes violations of 18 U.S.C. § 1343. Pursuant to 28 U.S.C. § 2461(c), the government is authorized to forfeit this property criminally, and the procedures for the forfeiture and disposition of the property are governed by 21 U.S.C. § 853.

In sentencing a person convicted of money laundering, in violation of 18 U.S.C. § 1957, the Court's authority to forfeit property is found in 18 U.S.C. § 982(a)(1), which provides for the forfeiture of any property, real or personal, involved in such offense, and any property traceable to such property.

B. Order of Forfeiture

For cases in which a defendant no longer has the actual dollars or property traceable to proceeds in his possession, or the government cannot locate those assets, the obligation to forfeit simply takes the form of an order of forfeiture in favor of the United States. *See United States v. Padron*, 527 F.3d 1156, 1161-62 (11th Cir. 2008). Rule 32.2(b)(1) provides that, where the government seeks an order of forfeiture, the Court must determine the amount of money that the defendant will be ordered to pay.

The defendant admitted that he has dissipated the criminal proceeds that were not recovered by the FBI. Transcript of Guilty Plea Hearing at pp. 25-28. Because of this, the United States seeks an order of forfeiture against the defendant in the amount of $739,582.50, pursuant to Rule 32.2(b)(2). As the defendant has admitted, he obtained $739,582.50 in proceeds as a result of his participation in the wire fraud scheme. If the Court finds that at least $739,582.50 was obtained by the defendant, and that he has dissipated those proceeds, then it is appropriate for the Court to enter an order of forfeiture against the defendant in that amount pursuant to Rule 32.2(b)(2).

C. Forfeiture of Specific Assets

Rule 32.2(b)(1) provides that, when the government seeks to forfeit specific property, the Court must determine whether the government has established the requisite nexus between the property and the defendant's crime. Fed. R. Crim. P.

32.2(b)(1). The Rule requires this be done as soon as practical after a verdict or finding of guilty, or after a plea of guilty is accepted. Fed. R. Crim. P. 32.2(b)(1)(A).

The Court's determination may be based on evidence already in the record, or any additional evidence submitted by the parties and accepted by the Court as relevant and reliable. Fed. R. Crim. P. 32.2(b)(1)(B). As the defendant has admitted, the specific assets identified above are the proceeds the defendant obtained from his wire fraud scheme and/or property involved in the money laundering offenses charged in Counts Four through Six. Therefore, the specific assets are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), and 28 U.S.C. § 2461(c).

The net proceeds from the forfeiture of the assets identified above will be credited to and reduce the amount the United States shall be entitled to forfeit as substitute assets pursuant to 21 U.S.C. § 853(p).

III. Conclusion

For the reasons stated above, the United States requests that, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), the Court enter an order of forfeiture against the defendant in the amount of $739,582.50, for which he will be held liable.

The United States further requests that, because the $739,582.50 in proceeds was dissipated by the defendant, the United States may seek, as a substitute asset, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), forfeiture of any of the defendant's property up to the value of $739,582.50.

The United States further requests that, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), and 28 U.S.C. § 2461(c), the Court enter a preliminary order of forfeiture for the specific assets identified above.

The order of forfeiture and preliminary order of forfeiture for specific assets become final as to the defendant at sentencing.

Upon issuance of the Preliminary Order of Forfeiture for Specific Assets, the United States will provide written notice to all third parties known to have an alleged legal interest in the property and will publish notice on the Internet at www.forfeiture.gov of its intent to forfeit the property. Determining whether a third party has any interest in the property must be deferred until a third party files a claim in an ancillary proceeding under Rule 32.2(c).

As required by Federal Rule of Criminal Procedure 32.2(b)(4)(B), the United States requests that the Court include the forfeiture when orally pronouncing the sentence and in the judgment. *See* Fed. R. Crim. P. 32.2(b)(4)(B) and *United States v. Kennedy*, 201 F.3d 1324, 1326 (11th Cir. 2000).

The United States further requests that the Court retain jurisdiction to address any third party claim that may be asserted in these proceedings, to enter any further order necessary for the forfeiture and disposition of such property, and to order any

other substitute assets forfeited to the United States up to the amount of the order of forfeiture.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system that will send a notice of electronic filing to counsel of record.

s/Nicole M. Andrejko
NICOLE M. ANDREJKO
Assistant United States Attorney