UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:21−cr−141−RBD−EJK
	)	
EMMET BOWENS,	)	
	)	
Defendant.	)	
	)	

DEFENDANT EMMET BOWENS' UNOPPOSED MOTION FOR AN ENLARGEMENT OF THE DEADLINE FOR THE COURT-APPOINTED PSYCHIATRIST TO SUBMIT HIS COMPETENCY REPORT

The Defendant, Emmet Bowens ("Mr. Bowens"), by and through the undersigned counsel, hereby respectfully moves for an enlargement of the deadline for Jeffrey A. Danziger, M.D. ("Dr. Danziger") to submit his competency report to the Court, pursuant to Fed. R. Crim. P. 45(b)(1)(A). Specifically, Mr. Bowens requests an extension of the deadline for Dr. Danziger to submit his report to June 27, 2022. In support thereof, Mr. Bowens states as follows:

STATEMENT OF FACTS

Relevant Procedural History

1. On May 6, 2022, Mr. Bowens filed an Unopposed Motion for a Hearing and Out-Patient Examination to Determine Mental Competency ("the competency motion"). Doc. 47.

2. On May 16, 2022, the Court granted the competency motion and appointed Dr. Danziger to perform a competency evaluation of Mr. Bowens. Docs. 52, 55. The Court further directed that Dr. Danziger's competency report "must be submitted to the Court on or before June 16, 2022," and within 7 days thereafter, the parties are required to file notices indicating whether a competency hearing, or some other related proceeding, should be scheduled. Doc. 55.

3. Mr. Bowens has his competency evaluation scheduled with Dr. Danziger for June 15, 2022, at 1:00 p.m. Dr. Danziger's office has informed the undersigned that Dr. Danziger will need an additional ten (10) days after the evaluation to submit his competency report to the Court.

4. The trial of this matter has been continued to the trial term commencing on September 5, 2022. Doc. 51.

5. Based on the foregoing, Mr. Bowens requests an enlargement of the deadline for Dr. Danziger to submit his competency report to the Court to June 27, 2022. Further, Mr. Bowens requests an extension of the attendant deadline to

submit his notice concerning whether a competency hearing, or some other related proceeding, should be scheduled to within seven (7) days after the proposed June 27, 2022 deadline.

MEMORANDUM OF LAW

Pursuant to Rule 45(b) of the Federal Rules of Criminal Procedure, "when an act must or may be done within a specified period," the court may extend the time for good cause, upon a party's motion made before the originally prescribed or previously extended time expires. *See* Fed. R. Crim. P. 45(b)(1)(A). Here, the time for the submission of Dr. Danziger's report to the Court has not expired. As noted above, Dr. Danziger's report is currently due on June 16, 2022, while the evaluation of Mr. Bowens has been scheduled for June 15, 2022. Thus, additional time is requested so that Dr. Danziger has more than a single day to complete his report and submit it to the Court.

Mr. Bowen's trial is not scheduled to commence until September 5, 2022. Thus, the extensions requested herein should not cause undue delay of the proceedings in this case. In sum, good cause justifies the extension of time requested herein.

CERTIFICATION OF CONFERRING WITH OPPOSING COUNSEL

Pursuant to the Court's Criminal Scheduling Order (Doc. 16), the undersigned certifies: (1) that the undersigned counsel conferred with opposing

counsel; (2) that the motion is unopposed; and (3) that the motion concerns matters not covered by the scheduling order.

CONCLUSION

WHEREFORE, the Defendant, Emmet Bowens, requests that this Court enter an Order: (1) enlarging the deadline for Jeffrey A. Danziger, M.D. ("Dr. Danziger") to submit his competency report to the Court to June 27, 2022; and (2) enlarging the deadline for the parties to file their separate notices indicating whether a competency hearing, or some other related proceeding, should be scheduled to within seven (7) days after June 27, 2022.

Respectfully submitted on this 20th day of May, 2022.

s/Andrew C. Searle
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on May 20, 2022, I filed a copy of the foregoing with the Clerk of the Court via the CM/ECF system. I further certify that all parties to this case are equipped to receive service of documents via that system.

s/Andrew C. Searle
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