UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. Case No. 6:21-cr-141-RBD-EJK

EMMET BOWENS

NOTICE REGARDING COMPETENCY OF DEFENDANT

The United States, by and through its undersigned counsel, hereby files its notice with the Court in response to the Court's order at Doc. 55. The United States has reviewed the report from Dr. Danziger, submitted to this Court on June 27, 2022. The United States does not contest the findings in Dr. Danziger's report regarding the defendant's mental competency. The United States requests that the Court find that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and commit the defendant to the custody of the Bureau of Prisons pursuant to 18 U.S.C. § 4241(d) to undergo restorative competency.

PROCEDURAL HISTORY

On November 10, 2021, a federal grand jury returned an indictment charging the defendant with wire fraud, in violation of 18 U.S.C. § 1343 (Counts One and Two) and Money Laundering, in violation on 18 U.S.C. § 1957 (Count Three through Six). Doc. 1. The defendant was arrested on December 2, 2021, Doc. 9.

On May 6, 2022, the defendant filed an unopposed Motion For Hearing And Out-Patient Examination To Determine Mental Competency. Doc. 47. The Court granted this motion on May 16, 2022 and appointed Dr. Jeffrey A. Danziger to conduct the competency evaluation. Docs. 52, 55. Dr. Danziger's completed report was submitted to this Court under seal on June 27, 2022.

MEMORANDUM OF LAW

Pursuant to 18 U.S.C. § 4241(d):

> If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General . . .

In light of the findings in Dr. Danziger's report, the United States does not intend to present evidence in addition to Dr. Danziger's report and does not contest the findings in Dr. Danziger's report with regard to the defendant's mental competency.

CONCLUSION

Based on the foregoing, the United States respectfully requests that the Court find that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense and

commit the defendant to the custody of the Bureau of Prisons pursuant to 18 U.S.C. § 4241(d) to undergo restorative competency.

Respectfully submitted,

ROGER B. HANDBERG
United States Attorney

By: */s/ Amanda S. Daniels*

AMANDA S. DANIELS
Assistant United States Attorney
Florida Bar No. 111444
400 W. Washington St., Suite 3100
Orlando, Florida 32801
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: amanda.daniels@usdoj.gov

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Andrew Seale, Esq.

By: */s/ Amanda S. Daniels*

AMANDA S. DANIELS
Assistant United States Attorney
Florida Bar No. 111444
400 W. Washington St., Suite 3100
Orlando, Florida 32801
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: amanda.daniels@usdoj.gov