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' MOTION TO CANCEL STATUS CONFERENCE SET FOR AUGUST 11, 2022 AND TO REMOVE CASE FROM COURT'S TRIAL TERM COMMENCING ON SEPTEMBER 5, 2022, OR, IN THE ALTERNATIVE, REQUEST TO APPEAR TELEPHONICALLY AT UPCOMING STATUS CONFERENCE

The undersigned counsel for Defendant, Emmet Bowens ("Mr. Bowens"), hereby files this motion to cancel the status conference set for August 11, 2022 and to remove the case from the Court's trial term commencing on September 5, 2022, as the Court has already entered an Order finding Mr. Bowens not competent to proceed in this case, and has committed Mr. Bowens to the custody of the Attorney General for hospitalization and treatment (Doc. 78). In the alternative, the undersigned respectfully requests permission to telephonically appear at the upcoming status conference on August 11, 2022 at 10:00 a.m., as the undersigned

will be attending an out-of-town legal conference on this date and time. In further support thereof, the undersigned states as follows:

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 Jeffrey A. Danziger, M.D. ("Dr. Danziger") to perform a competency evaluation of Mr. Bowens. Docs. 52, 55, 57.

3. On June 27, 2022, the undersigned timely submitted to the Court, under seal, Dr. Danziger's report concerning the competency evaluation of Mr. Bowens. Docs. 66, 68, 70.

4. On July 1, 2022, the parties filed their respective Notices Regarding Competency of Defendant. Docs. 68, 70.

5. Following a competency hearing on July 13, 2022, the Court found Mr. Bowens not competent to proceed in this case. Doc. 75. The Court also entered an Order finding Mr. Bowens not competent and committing him to the custody of the Attorney General for hospitalization and treatment for a period not to exceed four months from the date he arrives at a designated treatment facility. Doc. 78. The Court further ordered that Mr. Bowens report to the designated treatment facility on a date set forth by the Bureau of Prisons ("BOP"). *Id.* Further still, in its

Order, the Court directed the United States: (a) to file a report as to Mr. Bowens' competency status prior to the expiration of the "four-month treatment period;" and (b) to file a motion for the release of Mr. Bowens from the Attorney General's custody within five days of receipt of "a § 4241(e) certificate." *Id.*

6. Mr. Bowens is awaiting notification from the BOP as to what facility he should report to, and what his report date will be. Upon receiving this information, Mr. Bowens will report to the treatment facility on the date and time designated by the BOP.

7. Mr. Bowens' case is currently scheduled for a status conference on August 11, 2022 at 10:00 a.m., and a jury trial for the trial term commencing on September 5, 2022 at 9:00 a.m. Doc. 51. Based on the Court's above-described competency Order, the undersigned respectfully requests that this Court cancel the status conference and remove this case from the September 5, 2022 trial term. The undersigned believes that the information contained within the instant motion is in essence the same information that the parties will share with the Court at the upcoming status conference. As noted above, the United States will file a status report to the Court concerning Mr. Bowens' competency on or before the four-month period following Mr. Bowens' arrival at the designated treatment facility. Thus, the Court will be in a position to re-set the case for a status conference and

trial once the United States informs the Court that Mr. Bowens' competency has been restored.

8. In the event that the Court is obliged to hold the scheduled status conference on August 11, 2022 at 10:00 a.m., the undersigned respectfully requests that he be granted permission to appear telephonically at this conference. The undersigned is currently scheduled to attend an out-of-town legal conference from Wednesday, August 10, 2022 through Saturday, August 13, 2022.

9. The undersigned has conferred with Assistant United States Attorney Amanda Daniels who has informed the undersigned that the government does not oppose the undersigned's request to appear telephonically, however, the government believes that holding the status conference as set would be helpful for "scheduling purposes."

CONCLUSION

WHEREFORE, the undersigned counsel for the defendant, Emmet Bowens, respectfully requests that this Court cancel the status conference set for August 11, 2022 and remove the case from the Court's trial term commencing on September 5, 2022, or, in the alternative, permit the undersigned counsel to telephonically appear at the status conference on August 11, 2022 at 10:00 a.m.

Respectfully submitted on this 1st day of August, 2022.

s/Andrew C. Searle
ANDREW C. SEARLE, ESQ.
Florida Bar No. 0116461
SEARLE LAW P.A.
200 East Robinson Street, Suite 1150
Orlando, Florida 32801
Telephone: 407-203-3715
Email: andrew@searle-law.com
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on August 1, 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
ANDREW C. SEARLE, ESQ.
Florida Bar No. 0116461
SEARLE LAW P.A.
200 East Robinson Street, Suite 1150
Orlando, Florida 32801
Telephone: 407-203-3715
Email: andrew@searle-law.com
Attorney for Defendant