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.	)	
	)	

MOTION BY COURT-APPOINTED COUNSEL FOR DEFENDANT EMMET BOWENS REQUESTING LEAVE TO SEEK INTERIM COMPENSATION FOR LEGAL SERVICES RENDERED TO DATE

The undersigned court-appointed counsel for Defendant, Emmet Bowens ("Mr. Bowens"), hereby files this motion requesting leave to seek interim compensation for the legal services the undersigned has rendered in this case, from the date of his appointment on February 22, 2022, through and including September 14, 2022. In further support thereof, the undersigned states as follows:

1. On November 10, 2021, a federal grand jury in the Middle District of Florida returned an indictment charging Mr. Bowens with two counts of wire fraud, in violation of 18 U.S.C. § 1343 (Counts One and Two), and four counts of money laundering, in violation of 18 U.S.C. § 1957 (Counts Three through Six). Doc. 1.

2. The undersigned was appointed to represent Mr. Bowens on February 22, 2022, after the Federal Public Defender was granted leave to withdraw. Docs. 34, 35.

3. On May 5, 2022, the undersigned filed three substantive pretrial motions on Mr. Bowens' behalf: (1) a motion to suppress statements taken from the defendant by law enforcement (Doc. 44); (2) a motion to suppress identifications of the defendant (Doc. 45); and (3) a motion to dismiss one of the counts in the indictment due to improper venue (Doc. 46). The research and drafting of these motions took considerable time and effort.

4. At a hearing on July 13, 2022, the Court found Mr. Bowens not competent to proceed based on a prior psychological evaluation performed by Jeffrey A. Danziger, M.D. ("Dr. Danziger"), a court-appointed psychiatrist. Docs. 75, 78.

5. Mr. Bowens has been designated by the Bureau of Prisons to receive his competency restoration treatment at the Federal Medical Center in Butner, North Carolina ("FMC Butner"). Mr. Bowens is not scheduled to commence his treatment until his voluntary surrender date of March 21, 2023. Once the defendant arrives at FMC Butner, he will be hospitalized for a reasonable period of time not to exceed four months.

6. Pursuant to Criminal Justice Act ("CJA") Guidelines (Guide, Vol. 7A, § 230.73.10(a)), "[w]here it is considered necessary and appropriate in a specific case, the presiding trial judge may arrange for periodic or interim payments to counsel." Moreover, interim payments to CJA counsel are designed to "strike a balance between the interest in relieving court-appointed attorneys of financial hardships in extended or complex cases, and the practical application of the statutorily imposed responsibility of the chief judge of the circuit to provide a meaningful review of claims for excess compensation." *See* Guide, Vol. 7A, § 230.73.10(c); Appx. 2C.

7. On September 21, 2022, the undersigned submitted an eVoucher seeking compensation for the services rendered from his appointment, on February 22, 2022, through and including September 14, 2022. This eVoucher does not seek compensation in excess of the current CJA case compensation maximum. Based on the undersigned's reading of the CJA Guidelines and the Middle District of Florida's CJA Plan, it does not appear that an Order from the Court is required in order for court-appointed counsel to seek interim compensation in a case. Instead, it appears that a memorandum can be submitted to the Court seeking approval for interim compensation. Indeed, the undersigned attached to his eVoucher a detailed memorandum supporting his request for interim compensation in this case. However, in an abundance of caution, the undersigned

now also moves for an Order from the Court granting him leave to pursue an interim compensation claim via the eVoucher system.

8. Based on the information set forth herein, the undersigned believes that interim compensation is justified in this case and would relieve the undersigned of financial hardship. Mr. Bowens' competency restoration will delay this case at least until the spring or summer of next year. In addition, the undersigned has filed three substantive pretrial motions, which the Court will need to hear once the defendant's competency has been restored. *See* Doc. 82. Thus, this case has become an extended case that justifies the undersigned's request for interim compensation.

9. As noted, the undersigned has requested interim compensation for the services rendered from the date of appointment, on February 22, 2022, through and including September 14, 2022. At this juncture, this is the only eVoucher seeking interim compensation that the undersigned plans to submit. At the conclusion of this case, the undersigned will submit a second and final eVoucher seeking compensation for the services rendered from September 15, 2022 to the conclusion of the case. If necessary, in this second and final eVoucher, the undersigned will address whether or not compensation in excess of the CJA compensation maximum should be awarded in this case pursuant to CJA Guide, Vol. 7A, § 230.23.40.

CONCLUSION

WHEREFORE, the undersigned court-appointed counsel for the defendant, Emmet Bowens, respectfully requests that this Court enter an Order granting the undersigned leave to seek interim compensation in this case via the eVoucher system for services rendered to date, and granting the undersigned leave to submit a second and final eVoucher at the conclusion of this case seeking compensation for any services rendered after the time period claimed in the first eVoucher through the conclusion of the case.

Respectfully submitted on this 22nd day of September, 2022.

s/Andrew C. Searle
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LOCAL RULE 3.01(g) CERTIFICATE

Pursuant to Local Rule 3.01(g), on September 22, 2022 the undersigned conferred via email with opposing counsel, Assistant United States Attorney Amanda Daniels, who informed the undersigned that the government takes no position on this motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on September 22, 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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