

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF FLORIDA
3 ORLANDO DIVISION

4 Case No.: 6:22-cr-00201-WWB-LHP

5 UNITED STATES OF AMERICA,

6 Plaintiff,

Orlando, Florida

December 21, 2022

7 v.

1:24 p.m. - 1:36 p.m.

8 EVAN EDWARDS

9 and

10 JOSHUA EDWARDS,

11 Defendants.
12 _____/

13 TRANSCRIPT OF STATUS CONFERENCE
14 BEFORE THE HONORABLE DAVID A. BAKER
15 UNITED STATES MAGISTRATE JUDGE

16 APPEARANCES:

17 Counsel for the Government:

18 Kara Wick

19 United States Attorney's Office

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21 Orlando, Florida 32801

22 Counsel for Defendant Evan Edwards:

23 A. Brian Phillips

24 A. Brian Phillips, PA

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P R O C E E D I N G S

(Court called to order.)

THE COURTROOM DEPUTY: Case No. 22-cr-201, United States of America v. Evan Edwards and Joshua Edwards.

Counsel, please make your appearance for the record.

MS. WICK: Good afternoon, Your Honor. Kara Wick on behalf of the United States.

MR. PHILLIPS: Good afternoon, Your Honor. Brian Phillips on behalf of Edwin Edwards -- Evan Edwards. My apologies.

MR. TAYLOR: Good morning, Your Honor. Charles (audio gap).

THE COURT: All right. I set this hearing because of the difficulties the defendants were having in our attempted initial appearance. I wanted to get reports from everyone who can report as to where things stand and what needs to be done next.

Ms. Wick, anything you can report from the U.S. Attorney's perspective?

MS. WICK: My information is coming from the United States Marshal Service. From what I've heard, Mr. Evan Edwards is still in the hospital. I don't have any information as to what his diagnosis is. I'm not privy to that information. But I understand as of this afternoon he was still in there.

At one point yesterday, I believe that we thought he

1 was going to be released, but he has not. He's still in the
2 hospital.

3 I don't believe there's been any release of -- of
4 medical records signed. So, as I said, I don't have any
5 medical information to give to the Court.

6 **THE COURT:** Mr. Phillips, have you had an opportunity
7 to speak to Mr. Edwards?

8 **MR. PHILLIPS:** I have not yet, Your Honor. And I can
9 shed some light on the Government's recitation of events, as I
10 have a somewhat more granular -- I won't say command but
11 understanding of them.

12 As the Court is aware, I was appointed yesterday as
13 Criminal Justice Act counsel, replacing a person from the
14 public defender's office. Since that time, I have spoken to
15 the office of the United States Attorney, Ms. Wick. I've
16 spoken to the marshal service and to members of the family.
17 What I was able to discern yesterday is that the defendant was
18 still hospitalized at some point in the afternoon, I believe,
19 but I'm not mechanically certain, at ORMC.

20 I planned to go visit him at ORMC. And about the
21 time I was getting ready to leave my office, I was notified by
22 the marshal service that it was expected that -- via email --
23 that it was expected he would be released from the hospital and
24 processed to the Orange County jail. I inquired and said, "Do
25 we know approximately when that would be?" The response I got

1 from the marshal service was, "Could be a couple of hours,
2 could be as late as midnight." Based on that, I decided to go
3 see him this morning at the Orange County jail.

4 I came to work, and, as I was getting ready to leave
5 the office to go to the Orange County jail this morning, I
6 received an email from the marshal service indicating that, in
7 fact, Mr. Evans had -- Edwards had not been released from the
8 hospital, he was not at the Orange County jail, but that it was
9 likely he would be available here at the courthouse in the
10 marshal's cell block so I could meet with him before today's
11 hearing.

12 I arrived here at about 11:00 o'clock, Your Honor.
13 And by about 11:45, after speaking with the marshal service
14 personnel, I was informed that he had not been retrieved, was
15 not in the marshals' cell block, was still at the hospital,
16 that the marshal service had received some -- I'm trying to be
17 appropriate -- inappropriate pushback from the Orange County
18 jail personnel about even their -- the marshal service's --
19 access to the person -- to the defendant in the hospital.

20 However, I think during this call Penelope was able
21 to work out a way for the marshals to be able to access him and
22 potentially for me as well. It will require me going to the
23 Orange County jail, getting appropriate credentials, and then
24 be -- then, and only then, being told where he is and what room
25 he's in and be authorized to visit him at that stage.

1 As of the commencement of our hearing, my
2 understanding is he's still in the -- whatever hospital he was
3 in and had not been transported to the building today.

4 That's the status of the matter from appointment
5 yesterday to the moment I stood up this afternoon.

6 **THE COURT:** All right. I take it that even as a
7 result of all of those efforts, you don't know his condition or
8 seriousness or likelihood of being able to respond to your
9 interviewing him?

10 **MR. PHILLIPS:** I do not, Your Honor. I did call the
11 person I understand to be his treating physician. They are --
12 it's a hospitalist for ORMC. I got their voicemail message. I
13 indicated who I was and what I wanted to hear back from them
14 about. And I have not, before the hearing today, been informed
15 anything either way from them.

16 I think the next step is I may have to see if I can
17 secure, in some fashion, a HIPAA waiver. There may be a power
18 of attorney -- vesting power of attorney in someone else other
19 than the defendant, which would let me get a HIPAA waiver, get
20 it in place, and hopefully get some compliance.

21 This afternoon -- I'm sorry. Yesterday, Your Honor,
22 I was supplied a couple of pages of medical records from this
23 defendant's summertime stay in the hospital. I've only seen
24 parts of the medical records. The family has supplied me --
25 call it 2 inches of additional medical records this afternoon,

1 which I believe all relate to the summertime, the
2 earlier-this-year admission and later discharge of this
3 defendant for medical care.

4 **THE COURT:** Well, let me state, for the benefit of
5 all concerned and the record, I want to get the defendant in
6 court to be seen for his initial appearance as soon as it's
7 safe and he's able to do so but not sooner. You know, we've
8 got to take care of his health. If -- if we can't get some
9 clarity on this or -- well, we'll get some more clarity. But
10 at some point, if he's not able to come to the courthouse or
11 requires additional treatment at the hospital or at the --
12 temporarily at the lockup, pending proceedings, we'll need to
13 have a formal appearance, whether that's by Zoom or at the
14 hospital or at the jail.

15 We've done those things. We don't care to do them.
16 The marshals don't like us doing them that way, but we've done
17 them.

18 So I look to you, having appointed you provisionally,
19 to let me know when that is. Of course, the marshals will be
20 giving us information, as well, as best they can. But the --
21 to the extent the defendant is refusing to cooperate -- and I
22 don't know that that's true -- you know, it may present
23 difficulties for the -- all concerned, including for himself.
24 But we'll deal with that in due course.

25 **MR. PHILLIPS:** Your Honor, I was privy to half of a

1 telephone conversation between Ms. Knox and people I believed
2 were at the -- were representatives of the Orange County jail.
3 And she did vet with them that, "Hey, we may have to do this
4 via video teleconference." So I know that dialogue has at
5 least begun from the marshals service perspective.

6 **THE COURT:** Well, they're -- they're pretty
7 experienced in things and tend to make things happen.
8 Although, they've got personnel issues of their own. And the
9 Orange County jail has issues, as well, particularly with
10 medically difficult inmates.

11 All right. Well, I'm going to, I think, reset this
12 for another status hearing on Tuesday. But if he's available
13 before then, let me know, and we'll schedule him when everybody
14 is available.

15 (Simultaneous, overlapping speakers.)

16 **MR. PHILLIPS:** -- email chambers or file a notice of
17 availability or something of that nature?

18 **THE COURT:** Well, that will depend a little bit on
19 what the -- what the status is. I would like you to keep
20 Ms. White informed. Of course, you'll be talking to the
21 marshals too. But if -- if it looks like we're ready to
22 proceed in some fashion, then, like I say, I'd like to do it as
23 soon as possible but not sooner.

24 **MR. PHILLIPS:** Understood. Your Honor, it was my
25 intention this afternoon -- it being roughly 1:30ish -- to

1 endeavor to see this person today. That's my goal. And how --
2 how well or poorly the logistics go, I don't know that I can
3 predict. But we will do our best to get to see him today if
4 possible.

5 **THE COURT:** All right.

6 Okay. Now, with respect to the other defendant,
7 Mr. Taylor's client, has he met with Dr. Danziger yet?

8 **MR. TAYLOR:** Your Honor, I do not (audio gap).

9 **THE COURT:** Well, I'm sure of that too. He's -- he's
10 got a history of being very -- really quite prompt, but this is
11 the holiday season. He may have family plans and other things.
12 But we'll -- anyway, I sort of assumed that was the status.
13 And, again, I'd like to see him -- your client as soon as we
14 can but not sooner. But I think that will have to await
15 Dr. Danziger's report. But no indication of any distress from
16 your client or something that requires Court action?

17 (Audio gap.)

18 **THE COURT:** Well, I don't think I can arraign him
19 while there's still a question of his competency. The other
20 issue is a little more nebulous. He was -- at the first
21 appearance -- first attempted appearance was so uncommunicative
22 with you and with the Court that I didn't think it was
23 productive. If you think it would be better with a second
24 go-round, either in person or by Zoom, we'll get him back here
25 tomorrow or Friday.

1 (Audio gap.)

2 **THE COURT:** But it can also wait, I think, under the
3 circumstances.

4 **MR. TAYLOR:** Your Honor (audio gap).

5 **THE COURT:** That was -- I won't say it's the first
6 time it's happened, but it's an unusual appearance.

7 All right. I'd ask the clerk to go ahead and set
8 this for -- I guess I'm going to be here Tuesday, for sure,
9 right? Let's set it sometime Tuesday.

10 **THE COURTROOM DEPUTY:** 1:30? (Inaudible.)

11 **THE COURT:** Okay. 1:30 then. We'll do that. And if
12 there's something to be done tomorrow or Friday, we'll do that.
13 If not, we'll see you on Tuesday or hear from you sooner.

14 **THE COURTROOM DEPUTY:** (Inaudible.)

15 **THE COURT:** Well, if Evan Edwards is available, we'll
16 go ahead and have his initial appearance. If he's not, then
17 we'll just have another status report and see where we are.
18 And we might even cancel it if we've got the status
19 information. You know, I don't want to have hearings just to
20 have hearings. Always happy to see these attorneys.

21 But so we'll be a little bit loosey-goosey on it, but
22 I want to keep my eye on things. And I'll be alerting
23 Judge Kidd, as well, who will have duty for -- if -- if it
24 drags out beyond Tuesday. I mean, he's got it Tuesday, too,
25 but I'll keep -- but I may not be here after Tuesday for next

1 week.

2 All right. Anything else from the Government?

3 **MS. WICK:** No, Your Honor. Thank you.

4 **THE COURT:** All right. We're in recess.

5 (Proceedings adjourned at 1:36 p.m.)

6 **C E R T I F I C A T E**

7 I certify that the foregoing is a correct transcript
8 from the recording of proceedings in the above-entitled matter.

9

10 December 23, 2022

11 s\ Nikki L. Peters
12 _____
Nikki L. Peters, RMR, CRR, CRC
13 Federal Official Court Reporter
United States District Court
Middle District of Florida

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