

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:22-cr-201-WWB-LHP

EVAN EDWARDS

ORDER

Defendant Evan Edwards was initially arrested for the crime charged in the Indictment (Doc. 1) on December 14, 2022 (Doc. 9). However, Mr. Edwards was unable to have an initial appearance to due medical issues that required the U.S. Marshals Service to transport him to the Orlando Regional Medical Center (“ORMC”). (Doc. 21.) Mr. Edwards has remained hospitalized since that time.

On December 27, 2022, the undersigned conducted a hearing whereby Mr. Edwards and his court-appointed counsel appeared by videoconference. (Doc. 33.) During that hearing, Mr. Edwards could provide only non-verbal responses to the Court’s questions, and his attorney informed that Court that his prior conversations with Mr. Edwards involved similar responses. However, defense counsel could not ascertain whether Mr. Edwards’s difficulties with communication stemmed from the reasons underlying his current hospitalization, were the result of mental competency issues, or both. At that point, defense counsel had not received any of Mr. Edwards’s medical records, so the initial appearance was continued to December 28, 2022.

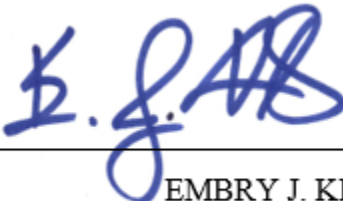
At the continuation of the initial appearance on December 28, 2022, which was once again conducted by videoconference, defense counsel informed the Court that, based on medical records provided by Mr. Edwards's family members, he believed that Mr. Edwards's current hospitalization might be related to an earlier hospitalization that occurred over the summer. However, defense counsel still did not have access to Mr. Edwards's current medical records due to restrictions placed on ORMC by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the defendant's inability or unwillingness to sign a waiver.

Prior to the start of the December 28, 2022, hearing, the parties filed a Joint Motion for Order Directing the Release of Defendant's Medical Records. In light of the procedural history set forth above, the need for the parties and the Court to ascertain Mr. Edwards's current medical condition to advance this criminal case, and the exceptions to HIPAA's privacy restrictions set forth in 45 C.F.R. § 164.512 (*see* Doc. 41 at 3–4), it is hereby **ORDERED** as follows:

On or before December 30, 2022, and continuing thereafter, Orlando Regional Medical Center (the "Medical Provider") must release to A. Brian Phillips and the U.S. Attorney's Office, through Assistant United States Attorney Kara Wick, any and all medical records, reports, results of examinations or tests, doctor's notes, record of prescription medications and other documents related to patient Evan Edwards a/k/a Ian Heringa (DOB XX/XX/1958) from December 14, 2022 (the date of admission to the Medical Provider) through the date of his release from the Medical Provider.

The parties are **DIRECTED** to serve a copy of this Order on ORMC no later than **December 29, 2022**. The parties are further **DIRECTED** to file, under seal, a joint status report as to Mr. Edwards's medical condition on or before January 3, 2022.

DONE and **ORDERED** in Orlando, Florida on this 28th day of December, 2022.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE