

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:22-cr-00201-WWB-LHP
	)	
EVAN EDWARDS,	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT’S NOTICE IN RESPONSE TO THE
COURT’S ORDER OF JANUARY 6, 2023 [DKT. 50]
AND MOTION FOR DETENTION HEARING**

COMES NOW, the Defendant, Evan Edwards [hereinafter “Defendant”], by and through the undersigned counsel, and in compliance with this Court’s Order of January 6, 2023 [Dkt. 50], hereby gives notice as required and seeks the setting of a detention hearing in this matter as follows:

1. In the above-referenced Order, the Court required that Dr. Ryan Hall examine the Defendant and “render an opinion regarding his competency to proceed to trial.” *Dkt. 50, p.2*. The resulting Report was to be provided to the Court under seal and to counsel for the parties.

2. On January 16, 2023, the United States was provided the Report of Dr. Hall. On January 17, 2023, the Court and the undersigned were provided a copy of

the Report by the United States.

3. The Report fails, in material part, to address the issue identified by the Court and has, at best, addressed the Defendant's competency *vel non* in a collateral fashion. Without revealing the contents of a sealed document, it is the position of the defendant that the Report does not resolve the issue presented.

4. Consequently, it is the position of the Defendant that the Court should set, as provided in 18 U.S.C. § 4241, the matter for a competency hearing. Of course, a status or scheduling conference may well be in order to address logistics and timing of a competency hearing.

5. If the Court is to set a competency hearing, the defense will seek, collateral to the instant Notice, approval for the retention of an expert to assess the defendant, prepare a report, and testify if necessary at a Competency Hearing.

6. Further, by Order dated December 16, 2022, the Defendant was temporarily detained until the Defendant was physically able to appear in Court. Dkt. 21. Since that time, the Defendant has been held in a medical facility, handcuffed wrist and ankle to the bed in the medical facility.

7. On January 4, 2023, the Defendant's care giver indicated to the United States and the undersigned that the Defendant's medical condition had reached a sufficient level in which a discharge from his stay at the medical care facility was appropriate. Further and as a result of a prior hospitalization, the defendant's family

is able to care for him in his current state.

8. Pursuant to 18 U.S.C. § 3142, the Defendant is now eligible to be considered for release in this matter.

9. Accordingly, the Defendant respectfully requests this Court set the matter for a detention hearing.

WHEREFORE, the undersigned complies with this Court's Order of January 6, 2023 and moves this Court to set this matter for a Detention hearing and, pursuant thereto, release the Defendant on bond under such terms and conditions as the Court determines to be appropriate.

s/A. Brian Phillips
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of January, 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.

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