

**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.	)	
_____	)	

**MOTION TO PROHIBIT TRANSFER OF DEFENDANT EVANS
EDWARDS BY THE UNITED STATES MARSHAL SERVICE**

COMES NOW, the Defendant, Evan Edwards, by and through the undersigned counsel, and respectfully moves the Court to prohibit the extraordinary transfer of the Defendant by the Office of the United States Marshall to a “care center” in Columbia, South Carolina, and in support thereof, states as follows:

1. The relief sought seeks to avoid the needless relocation of the Defendant pending further proceedings, including (potentially) a detention hearing, competency hearing, and trial, as such relocation will divest him of any meaningful Sixth Amendment right of access to counsel, divest him of reasonable access to visitors including his family, needlessly increase the time and expense of the above-referenced further proceedings, and impair the orderly progress of the case.

2. Although the relief is not sought on an emergency basis as the

Defendant remains in Central Florida,¹ the requested relief is of an (potentially) urgent nature as the Defendant is currently subject to transfer and the movement may occur at any time, without notice to the defense.

3. The detailed procedural and factual history of the case is set forth in the contemporaneously filed Memorandum on Sequence of Detention and Competence Determination by the defense. In sum, the Defendant has been held without bond since his arrest and has been housed at a local hospital, handcuffed wrist and ankle to the hospital bed, in the company of two (2) round-the-clock Corrections Officers.

4. During this time, the Office of the United States Marshall and the parties have shared with the Court the unique nature of the Defendant's ongoing incarceration pending trial, as well as the efforts to find alternate "housing" for the Defendant. His medical conditions are problematic and, although he has been eligible for release from the hospital since December, 2022, he will require care outside of his hospital stay. This need for care appears to have exceeded the resources of any alternate local detention facility, but not the family of the Defendant.

5. On February 14, 2023, the Office of the United States Marshall provided notice to the parties that placement for the Defendant at a "Care Center" in Columbia, South Carolina, has been accepted, and the Marshall's Service has

¹ The undersigned was informed by personnel at the Orange County Jail at approximately 4:00 p.m. on February 17, 2023, that the Defendant remains at a local hospital.

“requested movement” to said facility. Further, the parties were informed that on a minimum of only 72 hours’ “notice[,]” the Defendant is subject to being moved. There is no clarity as to who will be given “notice[.]” Given the proper reticence that comes with movement of a detainee, notice is unlikely to be provided to defense counsel.

6. Upon receipt of the foregoing, the undersigned contacted the Office of the United States Attorney seeking the position of the prosecution on this anticipated movement. The undersigned was informed on February 16, 2023 at 5:28 p.m. that the position of the United States is that “[i]f that is where [the Defendant] has been designated, then . . . it is appropriate for him to be moved there.” It is the view of the undersigned that this position, however well-intentioned, ignores certain of the Defendant’s constitutional rights as well impairs the orderly progress of this case.

7. It is of note that the South Carolina facility is located over four hundred thirty (430) miles from Orlando, Florida, from the Defendant’s counsel’s law office, and from the residence of the Defendant’s family. Further, the contemplated movement will likely exacerbate the Defendant’s medical issues, as mere transportation to the Federal Courthouse for his initial appearance, etc., seemingly caused significant, negative impact to the Defendant’s health. Needless movement of him such a distance is most likely to enhance his medical challenges.

8. Of similar import, the contemplated movement of the Defendant will

divest him of reasonable access to counsel as the logistics of travel would be unworkable. It is axiomatic that "[t]he assistance of counsel) is one of the safeguards of the Sixth Amendment deemed necessary to insure the fundamental human rights of life and liberty." *Gideon v. Wainwright*, 372 U.S. 335, 343 (1963)(quoting *Johnson v. Zerbst*, 304 U.S. 458, 462 (1938)).

9. Further, any such geographic move will divest the Defendant of reasonable access to visitors, including family members.

10. Finally, any such move of the Defendant will needlessly increase the time and expenses necessary to determine the Defendant's eligibility for bond, his competency, his participation in discovery, and/or (perhaps especially) his innocence or guilt at trial here in the Middle District of Florida.

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WHEREFORE, the defendant Evan Edwards moves the Court to prohibit the Office of the United States Marshall from transferring the Defendant as contemplated².

Respectfully submitted this 17th day of February, 2023.

s/A. Brian Phillips
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² In the event that the Defendant has already been moved before this matter is ripe for the Court's attention, the defense requests that the Court order that the Defendant be returned to Orlando, promptly.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of February, 2023, 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/A. Brian Phillips

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