

**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.	)	
_____	)	

JOINT NOTICE REGARDING EVAN EDWARDS

COME NOW, the United States and the Defendant, Evan Edwards, by and through their respective undersigned counsel, and hereby comply with the Court's Order of July 20, 2023, with the following information:

1. It is the position of the Defendant that his competency is not contested. The BOP report correctly shows that he is neither competent to stand trial nor is he subject to having his competence restored. To the defense, further proceedings on this issue are neither appropriate nor necessary. The defense believes that the Government's reliance on *Donofrio, infra*, is wholly misplaced.

2. It is the position of the United States that the United States does not contest the finding of incompetence made within the BOP's report. It is also the position of the United States that the Eleventh Circuit requires a mandatory commitment under 18 U.S.C. § 4241(d). *United States v. Donofrio*, 896 F. 2d 1301

(11th Cir. 1990). Thus, to the United States, a proceeding under 18 U.S.C. § 4241(c) and (d) is necessary for the commitment of the defendant to the Attorney General for hospitalization until it can be determined whether a probability exists that the defendant will regain the capacity to be tried.

3. It is the position of the defense that proceedings under 18¹ U.S.C. §§ 4246 or 4248 are neither appropriate nor necessary.

4. It is the position of the United States that proceedings under 18 U.S.C. §§ 4246 and/or 4248 are premature at this time, at least until the completion of the process it seeks as described in paragraph 2, *supra*.

¹ The Court's Order references Title 42.

WHEREFORE, the parties comply with the Court's July 20, 2023, Order.

Respectfully submitted this 27th day of July, 2023

s/A. Brian Phillips

A. BRIAN PHILLIPS, ESQ.

Fla. Bar No. 0067113

A. BRIAN PHILLIPS, P.A.

912 Highland Avenue

Orlando, Florida 32803

Telephone: (407) 872-0777

Telecopier: (407) 872-0704

Email: Brian.Phillips@Phillips-Law-Firm.com

Counsel for Defendant Evan Edwards

ROGER B. HANDBERG

United States Attorney

By: /s/ Kara M. Wick

Kara M. Wick

Assistant United States Attorney

Florida Bar No. 0085578

400 W. Washington Street, Suite 3100

Orlando, Florida 32801

Telephone: (407) 648-7500

Facsimile: (407) 648-7643

E-mail: Kara.Wick@usdoj.gov

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on the 27th day of July, 2023, we 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

A. BRIAN PHILLIPS, ESQ.

Fla. Bar No. 0067113

A. BRIAN PHILLIPS, P.A.

912 Highland Avenue

Orlando, Florida 32803

Telephone: (407) 872-0777

Telecopier: (407) 872-0704

Email: Brian.Phillips@Phillips-Law-Firm.com

Counsel for Defendant, Evan Edwards

ROGER B. HANDBERG

United States Attorney

By: /s/ Kara M. Wick

Kara M. Wick

Assistant United States Attorney

Florida Bar No. 0085578

400 W. Washington Street, Suite 3100

Orlando, Florida 32801

Telephone: (407) 648-7500

Facsimile: (407) 648-7643

E-mail: Kara.Wick@usdoj.gov