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 TIME-SENSITIVE MOTION FOR MODIFICATION OF ORDER ON DEFENDANT'S REPORTING REQUIREMENTS [DKT. 136]

COMES NOW, the Defendant, Evan Edwards [hereinafter "Defendant"], by and through the undersigned counsel, and respectfully moves the Court to modify its Order issued on March 18, 2024, on the following grounds: (a) the Court's Order and the Bureau of Prisons Designation document conflict as to the date of the Defendant's report and (b) neither the Defendant, himself, nor his family has the ability to transport the Defendant to FMC Devens in Ayer, Massachusetts (more than 1,200 miles from the Defendant's home) by either date in question. As the Defendant does not wish to run afoul of this Court's Order, nor is he capable of complying with the same, he seeks the relief requested herein.

1. On March 18, 2024, the Court accepted Magistrate Judge Leslie Hoffman Price's Report and Recommendation that the Defendant be committed to

the custody of the Attorney General for hospitalization and treatment to assess the probability of the Defendant attaining capacity to participate in the instant prosecution.. Dkt. 136.

2. In the Court's Order, the Defendant was given seven (7) days, following the Government's filing of the required notice, to report to the requisite designated facility and the Government was ordered to "promptly file a notice advising the Defendant and the Court of the facility in which the Defendant would be designated to for treatment." Id.

3. On March 22, 2024, the Government filed a Notice of BOP Designation and Voluntary Surrender Date, stating that the Defendant had been designated to FMC Devens, located at 42 Patton Road, Ayer, MA 01432 and that he is to report no later than April 8, 2024. Dkt. 138. The date called for by operation of the operative Order is March 29, 2024.

4. Presently, a conflict now exists between when the Court has ordered the Defendant to report to FMC Devens and when the Bureau of Prisons has indicated when they will be ready to receive the Defendant for processing and treatment. It is of note that the BOP report date indicates that the BOP will be ready to receive, process, and begin the time-sensitive process of determining the Defendant's restorability on that date. Given the strictly limited time (four months) for the restoration process to occur, this presents a challenge for both the BOP and

the Defendant.

5. In addition to the foregoing, the Defendant's current caretakers, his wife and daughter, have indicated to the undersigned that they have neither the financial[1] capability to arrange for proper and safe medical transport for the Defendant to reach FMC Devens nor do they have the physical ability to safely transport the Defendant to Massachusetts by themselves as a result of his medical conditions.

6. As the records of this proceeding demonstrates, the Defendant cannot transport himself, and his current medical care issues include, but are not limited to his inability to provide for his activities of daily living (including dressing himself, feeding himself, etc.) as well as the attendant need for full-time, around-the-clock medical attention, urinary and bowel incontinence, and a need for oxygen on a PRN basis. Consequently, these issues make patent that the Defendant is not physically capable of transporting himself anywhere without professional, medical personnel assisting him in transport.

7. As result of the conflicting dates in which the Defendant is required to report versus the readiness of FMC Devens to receive him and for the Defendant's

[1]Private medical transportation for the Defendant to safely reach FMC Devens from his home in New Smyrna Beach, Florida, is estimated to cost upwards of $60,000.00. Due to the nature of the Defendant's present medical condition, air travel is the only feasible mode of transportation for the Defendant to be able to safely reach FMC Devens. The Defendant was transported from FMC Devens to Orlando at the end of his last confinement by air.

present challenges in ensuring his safe arrival to FMC Devens for treatment, the Defendant respectfully requests that the Court modify the terms and conditions of his pre-trial release to allow the Defendant to comply with the Court's Order.

WHEREFORE, the Defendant, by and through the undersigned counsel, respectfully requests this Court to modify its order of March 18, 2024, Docket No. 136, to allow the Defendant to voluntarily surrender himself in a fashion that accommodate his current disabilities, which may require that the Defendant be taken back in to the custody of the United States Marshals Service for the purposes of transportation to and later return from FMC Devens.

Respectfully submitted this 26th day of March, 2024.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of March, 2024, 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
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