

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

THIS CAUSE is before the Court on Defendant Evan Edwards's Time-Sensitive Motion for Modification of Order on Defendant's Reporting Requirements (Doc. 139) and the Government's Response (Doc. 143) thereto.

On March 18, 2024, this Court found, by a preponderance of the evidence, that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in this defense and ordered him to be committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d)(1). (Doc. 136 at 5). The Court further ordered Defendant to report to the designated facility within seven days of the filing, by the Government, of a notice designating the facility. (*Id.* at 6). The Government filed a Notice of BOP Designation and Voluntary Surrender Date (Doc. 138) on March 22, 2024, stating that Defendant had been designated to report to FMC Devens in Ayer, Massachusetts on April 8, 2024,¹ more than seven days after the filing of the Notice. (*Id.* at 1).

¹ The Court and parties have been informed by the United States Marshal Service ("USMS") that the surrender date is actually set for April 9, 2024.

On March 26, 2024, Defendant filed the instant Motion, seeking clarification of his surrender date. (Doc. 139 at 2). Defendant has also informed the Court that he is unable to arrange for transport to the designated facility and has requested that he be permitted to surrender to the USMS for transport. (*Id.* at 3–4). The Government does not oppose the request, but notes that a modification to permit transport by the USMS would likely result in the need to extend the current surrender date to permit Defendant to provide the necessary medical information to the USMS for transport and to allow the USMS to make such arrangements. (Doc. 143 at 1–2).

Having read the parties' briefing and being notified by the USMS of the necessary arrangements required to facilitate transport, the Court finds that modification of the March 18, 2024 Order is necessary. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

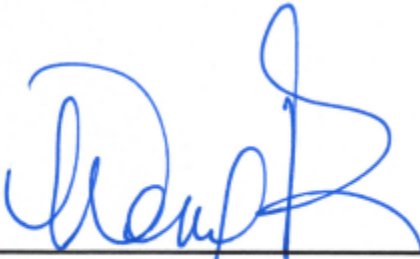
1. Defendant's Time-Sensitive Motion for Modification of Order on Defendant's Reporting Requirements (Doc. 139) is **GRANTED**.

2. Paragraph 5 of the March 18, 2024 Order (Doc. 136) is **AMENDED** as follows:

The Government shall promptly file a notice advising Defendant and the Court of a new surrender date, which shall be no sooner than **April 29, 2024**, for FMC Devens or such other facility as may be designated by the BOP. Upon the filing of such notice, Defendant shall coordinate with the USMS to determine a date on which he shall voluntarily surrender to the custody of the USMS for timely transport to the designated facility. Defendant shall cooperate in the collection of all necessary information by the USMS for the purposes of obtaining medical clearance to be transported.

3. Defendant shall remain on pretrial release pending his surrender to the USMS for transport.
4. The Government shall file a written response to Defendant's Motion for Reconsideration (Doc. 140) on or before **April 5, 2024**.

DONE AND ORDERED in Orlando, Florida on March 28, 2024.



WENDY W. BERGER
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record