

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

UNITED STATES OF AMERICA

v.

CASE NO: 6:22-cr-201-WWB-LHP

EVAN EDWARDS

ORDER

THIS CAUSE is before the Court on Defendant Evan Edwards's Motion for Reconsideration (Doc. 140) and the Government's Response in Opposition (Doc. 149). Therein, Defendant seeks reconsideration of this Court's March 18, 2024 Order (Doc. 136), adopting the Report and Recommendation (Doc. 117) of Magistrate Judge Leslie Hoffman Price and committing Defendant to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d)(1). Specifically, Defendant argues that the Court failed to consider the reference to subsection d in the Forensic Report (Doc. 98), indicating that an examination under § 4241(d) has already occurred.

In the March 18, 2024 Order, the Court stated that "[t]here is no reference to subsection d" in the Forensic Report. (Doc. 136 at 5). As Defendant correctly points out, this statement—read in isolation—is not accurate because the Report does in fact make a reference to subsection d. (Doc. 98 at 8). However, taken in context, the statement in the March 18, 2024 Order was intended to convey that the report failed to contain references to the procedures or requirements set forth in subsection d or to state that the dictates of subsection d had been complied with during Defendant's initial commitment, including a final determination under subsection d. Instead, the reference to subsection d contained in the report is limited to a passing note that restoration is unlikely, but the

report does not unequivocally state that restoration is impossible, that the evaluation fulfilled any or all of the requirements set forth in subsection d, or that further proceedings under subsection d are not legally required. In all other respects, Defendant's Motion seeks to relitigate his argument that further commitment is unnecessary or unwarranted and such arguments are rejected for the reasons set forth in the prior Order.

The Court is not convinced that it erred in any statement of fact or conclusion of law set forth in the March 18, 2024 Order. Therefore, it is **ORDERED** that Defendant's Motion for Reconsideration (Doc. 140) is **DENIED**.

DONE AND ORDERED in Orlando, Florida on April 17, 2024.



WENDY W. BERGER
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record