

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 6:22-cr-00201-WWB-LHP

EVAN EDWARDS
a/k/a Ian Heringa

**GOVERNMENT'S TIME SENSITIVE MOTION FOR HEARING TO
ADDRESS LACK OF ACCESS TO DEFENDANT'S MEDICAL
INFORMATION**

The United States of America by Roger B. Handberg, United States Attorney for the Middle District of Florida, hereby moves the Court for entry of an order setting a hearing as soon as possible to address USMS's lack of access to Evan Edwards's medical information, and states in support:

INTROUCTION

This motion is designated time sensitive because USMS/JPATS requires the Defendant's medical information on or before May 8, 2024 in order for JPATS to transport the Defendant to FMC Devens by the voluntary surrender date of May 15, 2024. To date, USMS has not received any medical information for the Defendant. A ruling on this motion is requested on or before May 7, 2024 in order to address the lack of access to the Defendant's medical records as soon as possible. Defense counsel has indicated that he is currently in a civil jury trial in state court through next week. However, there is an urgent need to address this issue forthwith so as not to delay Defendant's transport to FMC Devens for competency restoration.

BACKGROUND

1. Evan Edwards (the “Defendant”) has been found incompetent to stand trial under 18 U.S.C. § 4241(b) and this Court has ordered treatment pursuant to 18 U.S.C. § 4241(d). Doc. 136.

2. The Defendant is under the care of his wife, Mary Jane Edwards (“Ms. Edwards”), who is the third party custodian in this case. Doc. 114.

3. The BOP has set the voluntary surrender date for the Defendant as May 15, 2024 by 2:00 p.m. The designated facility is FMC Devens. As requested by the Defendant, USMS is facilitating the Defendant’s transport to FMC Devens. Docs. 139, 145. However, in order to transport the Defendant, JPATS requires certain medical information no less than one week in advance of the voluntary surrender date. Thus, the medical information must be provided to JPATS on or before May 8, 2024.

4. Pursuant to this Court’s Order dated March 28, 2024 (the “March 28, 2024 Order”), the Defendant is required to “cooperate in the collection of all necessary information by the USMS for the purposes of obtaining medical clearance to be transported.” Doc. 145.

5. On April 17, 2023, defense counsel reported to the undersigned that he would provide the records as soon as he had them, and that he had made the request for the records to Defendant’s wife (the third-party custodian in this case). According to defense counsel, the Defendant’s wife reported that she was waiting on the information from the Defendant’s health care providers.

6. On April 24, 2023, the undersigned spoke with defense counsel, who requested that the undersigned and Supervisory Deputy U.S. Marshal meet with him and Ms. Edwards the next day via Zoom to discuss the need for the Medical Information.

7. On April 25, 2023, the undersigned, Penelope Knox, and defense counsel met via Zoom. Defense counsel advised at that time, however, that Ms. Edwards was refusing to participate in the meeting. In the Government's view, Ms. Edwards was not complying with the March 28, 2024 Order requiring her cooperation with the collection of medical information.

8. On April 26, 2024, upon motion of the Government (Doc. 153), the Court entered an Order directing the release of the Defendant's medical records (Doc. 154). The April 26, 2024 Order required (1) that Mary Jane Edwards provide the names of the Defendant's medical providers on or before April 29, 2024; (2) that defense counsel provide a copy of Exhibit A and the Order to the medical providers once identified; and (3) that the medical providers, in turn, provide the requested information to USMS on or before May 3, 2024. Doc. 154.

9. On April 29, 2024, defense counsel filed a Notice of Compliance with the Court's April 26, 2024 Order. Doc. 155.

10. To date, USMS has not received any medical records from any of the purported medical providers. In one instance, a medical provider reached out to Penelope Knox for additional identifiers for the Defendant. Upon being provided the information, the representative for the provider indicated that they were unable to

locate the Defendant in their system.

11. If the required medical records are not received forthwith, then USMS will be unable to transport the Defendant for the May 15, 2024 voluntary surrender date, and the facility will likely open the spot to another patient. This will cause unnecessary delay in providing the Defendant with competency restoration treatment.

12. Therefore, the United States hereby requests that the Court enter an Order setting a hearing as soon as possible to address the lack of access to Evan Edwards's medical information.

13. On May 6, 2024, the undersigned attempted to confer with defense counsel, Brian Phillips, who stated: "I am sole trial counsel for the lead defendant, Soul Quest Church, in *Begley v. Soul Quest Church, et al*, Case No. 2020-CA-3387-O (Cir. Civ. Orange Co. Fla.). The jury was seated today and the parties expect it to run until the middle (or end) of next week."

WHEREFORE, the United States respectfully requests that this Court set a hearing forthwith to address USMS's lack of access to Evan Edwards's medical records.

Respectfully submitted,

ROGER B. HANDBERG
United States Attorney

By: /s/ Kara M. Wick
Kara M. Wick
Assistant United States Attorney
Florida Bar No. 0085578
Telephone: (407) 648-7500
E-mail: Kara.Wick@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 6, 2024, a true and correct copy of the foregoing was filed via the CM/ECF filing system, which will send service to all counsel of record:

A. Brian Phillips, Esq.

/s/ Kara M. Wick
Kara M. Wick
Assistant United States Attorney