

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF FLORIDA
3 ORLANDO DIVISION

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 EVAN EDWARDS,

8 Defendant.
9

Case Number:
6:22-cr-00201-WWB-LHP-1

Orlando, Florida
May 8, 2024
7:59 AM - 8:38 AM

10
11 TRANSCRIPT OF SHOW CAUSE HEARING
12 BEFORE THE HONORABLE DAVID A. BAKER
13 UNITED STATES MAGISTRATE JUDGE

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P R O C E E D I N G S

(Proceedings commenced at 7:59 AM.)

THE COURTROOM DEPUTY: Case Number 6:22-cr-201,
United States v. Evan Edwards.

Counsel, please make your appearances for the record.

MS. WICK: Good morning, Your Honor. Kara Wick on
behalf of the United States. With me is Penelope Knox from the
United States Marshals Service.

MR. PHILLIPS: Good morning, Your Honor.
Brian Phillips on behalf of the defendant, Mr. Edwards. The
custodian, Mrs. Edwards, is present in the courtroom seated to
my immediate left. In the gallery is my law clerk,
Griffin Hall.

THE COURT: You're still set for trial at 9:00?

MR. PHILLIPS: Actually, we're set for 10:00,
Your Honor. Judge Netcher said, "Take care of it. Do what you
got to do." He moved it -- the start of the trial back till
10:00 this morning, and he said if I need longer, to let him
know. And I said, "I don't think we will," but I expect that
I'd be able to be there by 10:00, come what may.

THE COURT: All right. So -- so I think we certainly
have the time we need.

Ms. Wick, any developments you want to apprise me of?

MS. WICK: Your Honor, I was able to make contact
with someone from AdventHealth yesterday. She indicated that

1 because the order itself did not list AdventHealth Orlando with
2 the patient's full name, date of birth, and the dates the
3 records were needed, she requested from the Court an order
4 listing that information so that they can search their records.
5 I indicated to her that I had the identifiers for the defendant
6 and I could provide those, and she requested that the Court
7 enter an order with that information.

8 **THE COURT:** Did you get the sense there were records?

9 **MS. WICK:** I asked that. She said she could not tell
10 me that. She said that they would search, but she could not
11 tell me at that time if there were records or not. Oh,
12 actually, she did tell me, Your Honor, that the name
13 Evan Edwards came up in their system but that didn't
14 necessarily indicate that there were records.

15 **THE COURT:** I understand. And, obviously, under
16 those circumstances, the marshal doesn't know whether there's
17 sufficient information there to satisfy their needs.

18 **MS. WICK:** Correct, Your Honor.

19 **THE COURT:** Mr. Phillips.

20 **MR. PHILLIPS:** Your Honor, on that same front,
21 yesterday afternoon at 2:33 we received a call from
22 Orlando Health, a woman by the name of Lauren Raspberry, asking
23 for Mr. Edwards's date of birth, which we provided; and they
24 said, "Thank you," and ended the call.

25 **THE COURT:** I'm smiling a little bit. One of the

1 things I've noticed over my career as an attorney and a judge
2 is that -- and I can't say this has gotten any better in
3 50 years -- is that the medical profession and the legal
4 profession don't cooperate as well as they ought, and there are
5 reasons for that, but it's frustrating in many circumstances,
6 and this is one of them.

7 Given those updates, what -- what do you need me to
8 do or what are you seeking, Ms. Wick?

9 **MS. WICK:** Your Honor, I would request that the Court
10 question Ms. Edwards as to why she's unable to provide the
11 records or if she can provide the records.

12 **THE COURT:** All right. Well, let's put her on the
13 stand.

14 Ms. Edwards, come on up to the witness box, please.

15 **THE COURTROOM DEPUTY:** Please remain standing to be
16 sworn in. Can you please raise your right hand.

17 Do you solemnly swear or affirm that the testimony
18 you give in this case is the truth, the whole truth, and
19 nothing but the truth?

20 **THE WITNESS:** Yes.

21 (Mary Jane Edwards sworn.)

22 **THE COURTROOM DEPUTY:** Please state your name for the
23 record.

24 **THE WITNESS:** Pardon?

25 **THE COURTROOM DEPUTY:** Please state your name for the

1 record.

2 THE WITNESS: My name?

3 THE COURTROOM DEPUTY: Yes.

4 THE WITNESS: Mary Jane Edwards.

5 THE COURTROOM DEPUTY: Thank you. You may be seated.

6 THE COURT: Ms. Wick, you may inquire.

7 DIRECT EXAMINATION

8 BY MS. WICK:

9 Q. Ma'am, you're the third-party custodian for
10 Mr. Evan Edwards; is that correct?

11 A. Yes.

12 Q. And you're aware --

13 A. -- (indiscernible) yes? Something else?

14 Q. "Yes" is fine. Thank you.

15 And you're aware that there was an order entered requiring
16 you to cooperate with the -- with accessing Mr. Edwards's
17 medical records?

18 A. On March 28th, there was an order. That was, like, on a
19 Friday. And then I receive it from the office of Mr. Phillips,
20 and -- which is on PACER, I think.

21 Q. So you're aware of that order?

22 A. Yes. And -- and so then -- and then on -- on -- let's
23 see -- on -- sorry. So on March 28th, the staff called, and
24 they said they sent the order. So -- and then the next time
25 they called was April 1. They called, and I returned the call

1 the same day, April 1. That was, like, a Monday.

2 April 3, the staff called and asked me to submit the
3 request, gave me instructions. So -- and April 4, they called
4 again, but I returned the call April 5.

5 Q. Okay.

6 A. That was a Friday.

7 And with that, it took me that long because I -- I made
8 all the requests. I went through USPS because I didn't know
9 exactly what addresses. So then it took me -- every time they
10 called the office, I returned the call the same day.

11 Q. Okay. Let me ask you --

12 A. But then it took me two days -- sorry -- to get the
13 addresses. So then I mailed --

14 UNIDENTIFIED SPEAKER: (Indiscernible.)

15 THE WITNESS: Oh, sorry. I'm sorry.

16 BY MS. WICK:

17 Q. No. That's okay.

18 Let me ask you this: What efforts have you made to obtain
19 the medical records for your husband?

20 A. So what I did is I submitted this paper, which -- which
21 was from the hospital, along -- that -- where I was named the
22 legally authorized person of Evan Edwards. So together with
23 that, I submitted -- I asked them -- I went to the hospital,
24 and I asked what addresses, and I made phone calls. So it took
25 me two days before because I didn't know exactly what to do.

1 Q. Okay. Have you gone -- have you made medical records
2 requests through the medical providers that you're aware of?

3 A. Have I?

4 Q. Have you made requests for medical records through the
5 medical providers?

6 A. I did, yes.

7 Q. Okay.

8 A. I submitted it, and then I got the addresses. So
9 within -- so by -- like, by March 28th, Friday, was the order.
10 So by April 5, the next Friday, I mailed in some
11 (indiscernible).

12 Q. Let me ask you this, ma'am: Do you have any medical
13 records in your possession for your husband?

14 A. That was when he was in the intensive care unit for
15 49 days.

16 Q. What year was that?

17 A. That was the day -- '22nd. Is it '22nd?

18 Q. 2022?

19 A. I think.

20 Q. Do you have any more recent medical records than 2022?

21 A. I've been trying to ask for more and even when he was in
22 the Orlando -- when he was transferred to the Orlando Medical
23 Center, and then I asked them, and they said I could get
24 them more.

25 Q. I'm sorry. They said what?

1 A. They didn't really respond to me at that hospital. So I
2 was asking because after Advent, then they -- he was moved
3 to --

4 THE COURT: Ms. Edwards, when's the last time your
5 husband was seen by a doctor or other medical professional?

6 THE WITNESS: So then when they --

7 THE COURT: No. When was the last time? Did he see
8 someone today? Yesterday? Last week? Last month?

9 THE WITNESS: No. I made phone calls.

10 THE COURT: Have -- when's the last time he was seen
11 by a medical professional?

12 THE WITNESS: I -- well, first, after Advent, and
13 then they sent me a whole --

14 THE COURT: I want to know the most recent time that
15 he has seen a medical professional.

16 THE WITNESS: Sir, all I did was make phone calls --

17 THE COURT: No. You're not listening to me. We are
18 here today.

19 THE WITNESS: Yes.

20 THE COURT: There's some time before today that he
21 was seen by a doctor or other medical professional. Do you
22 understand what I'm saying?

23 THE WITNESS: Yes, sir.

24 THE COURT: I know you have been taking care of him;
25 right?

1 THE WITNESS: I'm sorry, Your Honor.

2 THE COURT: You've been taking care of him; right?

3 THE WITNESS: Pardon me, Your Honor?

4 THE COURT: You have been taking care of him at home?

5 THE WITNESS: Yes. Yes.

6 THE COURT: Do you have any medical professionals
7 that have seen him in the last month?

8 THE WITNESS: They've come to the house.

9 THE COURT: Okay. Doctors? Nurses?

10 THE WITNESS: Mostly nurses because then --

11 THE COURT: Okay. Where are they coming from?

12 THE WITNESS: From the -- the -- I look at it here,
13 because I called different ones. There's different hotlines
14 and different -- where you could get help. I've called Advent
15 hospital, Your Honor.

16 THE COURT: Don't tell me who you called. I want to
17 know who is seeing your husband medically.

18 THE WITNESS: This girl from the physicians group.
19 Where is that now? They told me that if -- if I would want a
20 doctor to see him, I have to bring him in and check him in.
21 That means they bring him right away to the ICU because those
22 are the machines that could check him, which would cost, like,
23 a thousand dollars to 3,000 --

24 THE COURT: Ms. Edwards, you're not answering my
25 question.

1 THE WITNESS: Yeah.

2 THE COURT: Somebody came out to the house to help
3 you and look at your husband; correct?

4 THE WITNESS: Yes. Yes.

5 THE COURT: Do you know who that was?

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: Who was that?

8 THE WITNESS: It was a doctor and -- but then he --
9 he didn't come to the house because he just talked to me on the
10 phone, and he said, "For me to fully check him up, you have to
11 check him up with -- bring him to the hospital and check him
12 in," because of -- his condition is more neurological, and when
13 they dismissed him from the Advent, they said they could do
14 nothing more for him. And so then they said all I was doing
15 was really just nursing care.

16 And so when there was any emergency, I would call
17 Advent, and then when -- and then -- yeah. And because the --
18 they are the ones who have the foundational basic records of
19 where he's at, and they've given him up and said, you know,
20 they wanted him to go to VITAS, and they connected me, but
21 VITAS would not accept him because I did not agree to the
22 com- -- comfort meds -- to sign the comfort meds.

23 And so I asked if I could bring him home and take
24 care of him. They said, "There's nothing more we can do. If
25 there's an emergency" -- because at one time he had internal

1 bleeding -- "then you bring him in emergency." But they -- "we
2 cannot do more for him."

3 **THE COURT:** I'm going to ask this one more time:
4 When is the last time he was actually seen by a medical
5 professional?

6 **THE WITNESS:** By a nurse --

7 **THE COURT:** When?

8 **THE WITNESS:** -- Your Honor.

9 **THE COURT:** When did that happen?

10 **THE WITNESS:** Well --

11 **THE COURT:** Was it a week ago? A month ago?
12 Six months ago?

13 **THE WITNESS:** After he came back from Columbia. So
14 that was, like, from Columbia, from the Just Care. And at that
15 time they -- they -- they --

16 **THE COURT:** Can you answer my question. When was the
17 last time? Give me a date.

18 **THE WITNESS:** Your Honor, he didn't have to see a
19 doctor unless I checked him in.

20 **THE COURT:** Mrs. Edwards, you are not listening to
21 me. Let me make this very clear. There is a time that he saw
22 a medical professional; right?

23 **THE WITNESS:** That was in the hospital.

24 **THE COURT:** I'm not talking about -- I'm talking
25 about more recently.

1 THE WITNESS: More recently, it's just calling up and
2 saying --

3 THE COURT: Since April 1st, has he seen a doctor or
4 a nurse?

5 THE WITNESS: No, no, no. But I've been calling up.

6 THE COURT: Since March 1st, has he seen a doctor or
7 a nurse?

8 THE WITNESS: Since -- since when?

9 THE COURT: Since any -- when's the last time he saw
10 somebody?

11 THE WITNESS: It was just nurses that they came up
12 and then --

13 THE COURT: When? When? Why can't you tell me when?

14 THE WITNESS: Because I tried to call them if I
15 had --

16 THE COURT: No.

17 THE WITNESS: Sir --

18 THE COURT: Don't tell me --

19 THE WITNESS: I'm sorry, Your Honor.

20 THE COURT: -- when you called.

21 When did they come out to the house?

22 THE WITNESS: If they came to the house, I had to pay
23 150.

24 THE COURT: Don't tell me about what they didn't do.
25 When were they there?

1 THE WITNESS: They were not there, but then I called
2 on the phone and asked, "Is there anything I need to do?"

3 They said, "Wait. If it becomes worse and the
4 bleeding doesn't" --

5 THE COURT: No.

6 THE WITNESS: -- "stop, then you come in."

7 THE COURT: Stop that.

8 THE WITNESS: Yes.

9 THE COURT: Was there a time they came out to the
10 house?

11 THE WITNESS: Yes.

12 THE COURT: When?

13 THE WITNESS: The last time was, like -- well, they
14 had a two-week checkup after Advent, and then afterwards he
15 went to Orlando. Then (indiscernible) --

16 THE COURT: Can you tell me the calendar --

17 THE WITNESS: That was the last time.

18 THE COURT: (Indiscernible.)

19 THE WITNESS: Your Honor, it's -- it's -- in person,
20 that was time. But then I called another time.

21 THE COURT: Can't you tell me whether he's seen
22 somebody in 2024?

23 THE WITNESS: No. No, not in 20- -- but on the
24 phone.

25 THE COURT: He hasn't seen a medical professional

1 since last year?

2 THE WITNESS: No.

3 THE COURT: All right.

4 THE WITNESS: But they wanted --

5 THE COURT: Mr. Phillips, please, is there anything
6 you can do to clear --

7 THE WITNESS: Your Honor --

8 THE COURT: -- this up?

9 MR. PHILLIPS: Your Honor, I can try. I think I can
10 shed some light on it perhaps.

11 THE WITNESS: But because --

12 THE COURT: This is really exasperating. This is not
13 difficult. These aren't difficult questions.

14 THE WITNESS: Sorry, Your Honor.

15 MR. PHILLIPS: I think the Court may have --

16 THE COURT: Listen -- listen to Mr. Phillips.

17 MR. PHILLIPS: I think the Court may have some
18 insight on the dealings that have led to today's circumstance.

19 **CROSS-EXAMINATION**

20 **BY MR. PHILLIPS:**

21 **Q.** Ms. Edwards, you and your daughter care for your husband
22 24-7; right?

23 **A.** Mostly, I do.

24 **Q.** Sure. Joy lives there with you -- your daughter -- as
25 well; right?

1 A. Comes back, and she's mostly outside work.

2 Q. Your husband -- your husband came back to your home after
3 being incarcerated at the Columbia medical facility; right?

4 A. Care. Yes.

5 Q. He came back to your home?

6 A. Yes.

7 Q. Since that day, have any doctors been to your home?

8 A. No.

9 Q. Have any nurses been to your home?

10 A. Yes. There's one nurse that came but --

11 Q. When did she come to your home?

12 A. Well, I think when we were having this internal bleeding.

13 Q. Excellent. Was that in 2023 or 2024?

14 A. 2023.

15 Q. Last year?

16 A. Yes.

17 Q. Okay. Have any nurses been to your home this calendar
18 year?

19 A. This 2024?

20 Q. Yes, ma'am.

21 A. Talked to them on the phone.

22 Q. No, ma'am.

23 A. Showed them --

24 Q. That's not my question.

25 Did they come to your home?

1 A. No.

2 MR. PHILLIPS: Very well.

3 Your Honor, I think that clarifies at least that
4 component of it.

5 THE WITNESS: And excuse me, Mr. Brian.

6 MR. PHILLIPS: Please.

7 THE WITNESS: You asked me when you visited
8 four months ago (indiscernible), "Okay. So how's the medical
9 records? How's" -- if I've seen the doctor, this and that.

10 You know, I said what I do is I just phone and I -- I
11 ask questions. "When do I have to go?" I told you that. I
12 use a lot of the Internet. I told you that.

13 MR. PHILLIPS: Your Honor, I don't know that I can do
14 more than lay that out as we have.

15 THE WITNESS: And so, Your Honor, could I show you on
16 my receipts that --

17 THE COURT: That doesn't mean anything. If you don't
18 have records, it doesn't mean anything. So --

19 THE WITNESS: But they have the basic records in
20 Advent.

21 THE COURT: But you didn't get them. You didn't
22 get --

23 THE WITNESS: Oh, yeah. We have them.

24 THE COURT: Where are they?

25 THE WITNESS: I have them with me, and then I also

1 sent them to Mr. Phillips. They're, like, the basic -- this is
2 the last diagnostics they told me, you know, unless he checks
3 in in the hospital again, which he might need all the machines,
4 you know, to check. If there's pneumonia, they have a machine
5 there and -- because he was -- had a trach to check his -- and
6 when he was -- for trach for breathing. And it's -- they need
7 the machines. They said they cannot just check him at home
8 because of his condition.

9 **MR. PHILLIPS:** Your Honor, for clarification, I think
10 the medical records she's referring to are the ones that were
11 generated either at Mr. Edwards's first hospitalization, which
12 predated his arrest, or at the time he was released from ORHS
13 incident to the order to transport him to the Bureau of Prisons
14 for a competency evaluation. Those occurred in 2021 and 2022
15 respectively.

16 **THE COURT:** What I'm hearing is there are no records
17 since he came back from BOP.

18 **MR. PHILLIPS:** That -- that is the first I've heard
19 it as well, but that's what I heard as well this morning,
20 Your Honor.

21 **THE WITNESS:** Your Honor, I received a lot of
22 Columbia Just Care --

23 **THE COURT:** I don't understand given his condition.
24 I mean, that mystifies me, to be frank.

25 **MR. PHILLIPS:** Your Honor, at the end of the day --

1 and I've been to the Edwards's home. Mr. Edwards is in a
2 hospital bed in the home. He is unable to attend to any of his
3 own activities of daily living.

4 **THE COURT:** I understand all that.

5 **MR. PHILLIPS:** And his wife and daughter provide him
6 24-hour care. They apparently have no other obligations or
7 responsibilities. There are on premises significant
8 medications and durable medical equipment and all sorts of
9 other accoutrements, paraphernalia of medical treatment.

10 **THE COURT:** I -- I have that understanding as well.

11 **THE WITNESS:** Your Honor, he has --

12 **THE COURT:** Ms. Edwards, wait till we ask you a
13 question.

14 Let me ask the marshal. In terms of your office's
15 obligations in this case, where does that leave you?

16 **U.S. MARSHAL:** Good morning, Your Honor. I think for
17 us the -- the biggest part is that we need, of course, the
18 current medical information.

19 **THE COURT:** There is no current medical information.

20 **U.S. MARSHAL:** Correct. And so I think in this
21 particular case either he would need to see a doctor. He was
22 released from BOP custody -- I believe it was December of 2023,
23 and so now we're at least in May. And so they would need the
24 current records because the records that they had once he was
25 released from BOP -- those records, they have. And so it's

1 going to be what is his current state, what is the current
2 medication, what's his current regimen in order to safely
3 transport him. And so I think at this point he'll definitely
4 need some type of medical evaluation in order to provide the
5 medical clearance.

6 **THE COURT:** In the ordinary course, we've been
7 through this with him, with other defendants as well. How
8 would you go about that? Take him into custody and have him
9 evaluated through the --

10 **U.S. MARSHAL:** Correct. So absent him being out of
11 custody, if he was to go to a health care provider while
12 remaining on bond and then they provide him with a list, I
13 think a medical physician with him on bond would be able to --
14 to complete the required documents.

15 Once he came into custody at arrest, I think he was
16 in the hospital for maybe eight months or so. The dates are a
17 little -- I don't have them in front of me, but what I do
18 remember is that it took about eight weeks in order for him to
19 get medical clearance while he was physically in custody
20 because they literally started from ground zero of doing an
21 evaluation and doing a lot of things.

22 **THE COURT:** I recollect some parts of that. I wasn't
23 involved with all of it, but I --

24 **U.S. MARSHAL:** And then there's no facility that we
25 have that can house him; so he would remain in the hospital for

1 the duration of his stay until he goes to BOP -- under guard
2 care, of course.

3 THE COURT: I understand that's the difficulty.

4 Do you have a -- for want of a better word, a form of
5 the information you need to have that a doctor would fill out
6 so that you could --

7 U.S. MARSHAL: Yes. JPATS has --

8 THE COURT: -- transport him?

9 U.S. MARSHAL: Yes, Your Honor. JPATS has had --
10 completed a list of all of the required information, and the
11 Government filed it in one of the motions that was listed. And
12 so they have the information, yes.

13 THE COURT: I mean, I'm working on the assumption
14 that the records from Advent and Orlando Health are moot.
15 I mean, what we need is something more recent -- much more
16 recent, which, apparently, there aren't any. So we need to
17 create that one way or another, and it's not going to be done
18 by today. It shouldn't take eight weeks given what's already
19 known about the defendant, but it will probably take more than
20 one week -- would be my guess.

21 U.S. MARSHAL: I suspect it will take several weeks.
22 Part of the -- and I'll tell you why, only because when he
23 first came into custody, it was the -- it was the same issue
24 when he was admitted into the hospital. They will do a whole
25 workup on him based on his --

1 THE COURT: Well, I understand.

2 U.S. MARSHAL: -- medical history.

3 THE COURT: I think they have a baseline now, and
4 they have the information from his stays.

5 U.S. MARSHAL: They would not use it. Last time,
6 they conducted their own testing.

7 THE COURT: No. I understand. But they --

8 U.S. MARSHAL: Okay.

9 THE COURT: At least they know what they're looking
10 for. I mean, they got to look for everything else too, but
11 they know where some of the big problems are, which we didn't
12 know back in December of 2022 or November, whenever it was.

13 Mr. Phillips, is there any impediment to his, while
14 remaining on conditions of release, getting himself to a
15 facility that -- where there are some doctors that can fill out
16 that form?

17 MR. PHILLIPS: Your Honor, I don't think there is. I
18 think it's simply a question ultimately, if push came to shove,
19 of simply dialing 911 and having him transported to an
20 emergency room, and then the medical professionals are being
21 informed of the necessity of what tests need to be
22 administered.

23 THE COURT: Which they'll have their own ideas too.

24 MR. PHILLIPS: I'm -- I'm confident they will be of
25 their own medical opinions. Absolutely. But I think the Court

1 correctly notes that we do have a baseline, a large brick of
2 records from ORHS who did -- which did a very -- did the full
3 panoply of testing. One of the challenges, Your Honor -- the
4 Court may recall from Mr. Edwards's initial appearance -- is
5 he's mute and does not communicate, but we do have that
6 baseline. I think eight weeks is a long time.

7 And, Your Honor, I'm not unsympathetic to the cost of
8 the taxpayers of this if he's in custody. To my mind, ordering
9 him to report and have the attendant medical providers complete
10 the JPATS form, which I've supplied to the Edwardses -- they
11 have it. We'll get another one, whatever we got to do. But if
12 he shows up with that order and says, "Please complete this
13 information plus whatever else you have" -- I know medical
14 providers are not always mechanically compliant, but I think
15 they would understand their duties in that responsibility -- in
16 that circumstance. Sorry.

17 Exactly. The pen is very powerful, especially when
18 it has the United States' name right below the signature line.

19 **THE COURT:** I know you've been over this with -- with
20 Judge Hoffman Price, but what's the current impediment of the
21 family getting him to Massachusetts?

22 **MR. PHILLIPS:** Cost. The family does not have the
23 resources. He would have to be transported, Your Honor, in
24 essence, in a medical van, if you will, with medical care with
25 him all the way to Massachusetts. The Marshals Service, if I

1 recall correctly, flew him back because they found that to be
2 more efficacious but not less expensive, and that's the
3 family's challenge. Mrs. Edwards is unemployed. The daughter
4 is unemployed. The son is a codefendant in the case, and I
5 think he's going -- he's either in or is getting ready for his
6 competency hearing.

7 **THE COURT:** Right.

8 Any idea how much that van costs?

9 **U.S. MARSHAL:** No, Your Honor, I do not. I know when
10 we flew him via aircraft, it was a medical charter flight. So
11 that is definitely more than a few thousand dollars.

12 **MR. PHILLIPS:** I think it's five figures, yeah.

13 **U.S. MARSHAL:** We will not transport him via a van.

14 **THE COURT:** Well, I understand you won't, but if they
15 want to do it, I'm wondering whether I can find the money
16 somewhere.

17 **U.S. MARSHAL:** So I will say that there are companies
18 that will do ambulatory transports, and so they charge either
19 by the hour or by the mileage. And so they do -- there are
20 companies out there, because we've had to use one before in the
21 past when I worked in Jacksonville. And so some of the private
22 companies that own ambulance who have medical professionals are
23 available to be onboard to conduct the transport. I do not
24 recall what the cost is that distance. I do know what the
25 local cost is. We did get some estimates when he originally

1 came into custody to take him from here to Just Care, but I
2 don't have any other estimates outside of that. But the
3 companies are available, and I'm sure -- I'm happy to
4 recommend --

5 THE COURT: Ballpark guess, Mr. Phillips.

6 MR. PHILLIPS: Your Honor, he's not an ambulatory
7 patient, and I think the number is north of 20,000 -- is the
8 last number I had heard when the -- I had had the Edwardses
9 explore that for us.

10 U.S. MARSHAL: We do have -- we have at least three
11 companies that we identified last time. They gave us estimates
12 from here to South Carolina. So we can -- I can reach out to
13 those companies and see what their estimate would be from here
14 to Massachusetts.

15 THE COURT: Which is a lot farther.

16 U.S. MARSHAL: Yes.

17 MR. PHILLIPS: And back.

18 THE COURT: Well, we don't know about that.

19 MR. PHILLIPS: At some point they would determine --
20 determine he is either restored or --

21 THE COURT: At some point -- you know, he's not going
22 to stay there indefinitely, but we'll cross that bridge when
23 we --

24 MR. PHILLIPS: Fair point.

25 THE COURT: -- when we build it.

1 Listening to everybody and just thinking about the
2 way the world works, it seems to me, even if you could tell me
3 right now how much that is and I figured out where to get that
4 money from, if we could do that, which I'm not sure we can,
5 they're not going to get him there by the report date. So --
6 and you can't transport him by the report date because you
7 don't have the information and you're not going to get the
8 information in time to do that. So those are givens, which, to
9 my way of thinking, the circumstances --

10 And I'll just say for the record I'm not at all
11 pleased with Mrs. Edwards's production of records herein. I
12 don't know if it's miscommunication or just a different look at
13 the world, but I believe she's in violation of the Court's
14 orders. But given what she's testified to and the
15 representations from counsel, it doesn't matter. I mean,
16 it's -- there weren't records that are pertinent. It would
17 have been nice to know that, but there it is.

18 So I think, in effect, I need to supersede the orders
19 from Judge Hoffman Price and Judge Berger and figure out where
20 we go from here. I'm not happy about this. This case is a
21 year and a half old, and Mr. Edwards is in terrible condition,
22 and I don't know what's going to happen in the future.

23 But the -- I'm going to direct that -- and this is
24 subject to Judge Berger overruling me because it's her case,
25 but it seems to me the solution is, Mr. Phillips, for you to

1 confer with the marshal, with the family, and Ms. Wick as well
2 and, number one, fully explore whether the systems that the
3 marshal's aware of -- whether they can do it and would be
4 willing to do it, what the cost would be, research whether
5 under the Criminal Justice Act I've got some authority to do
6 that. I've done it -- I've done it with bus fare, and I've
7 done it with airfare, but that's where people were moving
8 themselves and they just didn't have the money. And I don't
9 remember whether that came out of marshals funds or CJA funds,
10 and that's certainly taxpayer money, whatever it is, assuming
11 it's available legally. So we need to figure that out.

12 If that's not feasible or appropriate under the
13 statutes and regulations, then you'll need to, Mr. Phillips,
14 come up with a plan to get him evaluated again more
15 contemporaneously, whether that's through 911 or just taking
16 him to the hospital -- because he doesn't sound like he can be
17 evaluated in a doctor's office -- and get a timeline of when
18 that's going to be, and we'll start all over again to get the
19 marshal the information the marshal needs.

20 If we can't do it through the private resources, paid
21 for out of CJA funds or whatever, then the marshals will do it,
22 but we can't without the right information. We can't do it
23 under ridiculous time pressures either, and we're subject to
24 BOP's availability because we're going to lose this slot.

25 So I -- any -- any thoughts on how to accomplish all

1 that?

2 **MR. PHILLIPS:** Your Honor, I think the issue of
3 exploring the opportunity for private transport will pivot on
4 information the Marshals Service has, and we can run that down
5 to see what the -- the dollar cost would be. I would note, I
6 think, Your Honor, that any transport organization is going to
7 want to see the same medical evaluation or something
8 substantially similar to what the marshals would want to see.

9 **THE COURT:** And that may be, and if that's the story,
10 then we probably don't want to bother with that.

11 **MR. PHILLIPS:** In terms of --

12 **THE COURT:** And they -- they aren't subject to all
13 the same regulations that the marshals are. The -- because the
14 Marshals Services is a government agency and they've got
15 regulations and guidelines and strictures and different kinds
16 of responsibility.

17 I mean, we've got this defendant who apparently has
18 been existing without medical care -- without professional
19 medical care. He's got intense family care but not
20 professional medical care for six months. So he's -- you know,
21 his conditions are dire but not currently life-threatening.
22 I mean, I don't -- I'm no doctor. I don't know. It sounds
23 like a pretty difficult existence. But be that as it may --
24 so --

25 **MR. PHILLIPS:** Your Honor, I think, with respect to

1 the medical evaluation component, Ms. Edwards has been here the
2 whole time. She's heard what the Court has said. My guidance
3 to her on the subject is going to be get him to a hospital in
4 some fashion. Since he is not in an acute or crisis situation,
5 I don't know that one could schedule that. I don't deal with
6 hospitals very much, but the ones I've dealt with don't strike
7 me as accommodative of that sort of request. So I think -- and
8 a visit to the emergency room with an appropriate set of
9 instructions of what must happen may be our -- I won't say
10 "only" but probably best choice in the fact pattern.

11 **THE COURT:** Well, I mean, that's one entry into the
12 hospital system. The other is -- I mean, he's had -- he's had
13 doctors, and they can admit him.

14 **MR. PHILLIPS:** Yes. He has had the attending
15 physicians from ORHS -- I think were the ones who actually saw
16 him outside of the Bureau of Prisons system.

17 **THE COURT:** Right. And they can -- they can admit
18 him. I mean, that's what they do typically. But whatever
19 works there.

20 Let me do this. I've given you oral directions. I'm
21 going to ask that -- and I know, Mr. Phillips, you're under
22 other appropriate obligations here that have to be met. But
23 you've also got a strong and capable staff and years of
24 experience.

25 So this is Wednesday morning. I'd like to hear from

1 you by, let's say, 3:00 Friday about where you think we are,
2 and in the meantime I will -- I think I'll try to confer with
3 Judge Berger and Judge Hoffman Price to see if I'm too far off
4 base here since they've got more experience with the case.
5 It's their case.

6 And we'll probably -- I expect as a result of that
7 we'll notify BOP to let that date go, and they'll have other
8 people to slot in there, and then we'll make a further order,
9 whether it's mine or one of the assigned judges.

10 **MS. WICK:** Your Honor, regarding notifying BOP, is
11 there any direction from the Court as to what the Government
12 should do about that or --

13 **THE COURT:** Well, I'm not sure how those get set up.
14 So let me -- let me try to get ahold of the other judges.
15 They're on Central Time right now; so I'll probably wait till a
16 little later in the morning to talk to them. I'll send them an
17 email right now but -- and see. I mean, if I'm completely off
18 base here, they'll tell me, and I'll get you back in here one
19 way or another, and we'll talk about it some more.

20 All right. Anything else the Government would seek
21 at this point?

22 **MS. WICK:** I would just note for the record,
23 Your Honor, that the Government has very little confidence at
24 this point of the third-party custodian getting the defendant
25 anywhere. I understand that it's a very complex situation. So

1 we've got to investigate what our options are here. I think --
2 well, we'll just wait and see what the options are, and
3 we'll --

4 THE COURT: Yeah. I've got some of the same concerns
5 you just expressed.

6 Mr. Phillips, do you want to confer with Ms. Edwards?

7 MR. PHILLIPS: I'll be glad to, Your Honor.

8 (Indiscernible) informed me that AdventHealth has
9 informed her that she does not have a medical power of
10 attorney, and it's one of the bases for why they would not give
11 her records. I don't know that that's particularly germane to
12 our current discussion, but that's what she had raised her hand
13 to share with the Court.

14 THE WITNESS: Something else too.

15 THE COURT: Well, I can enter orders that records be
16 produced; but, like I say, I think it's moot. The records they
17 have are not helpful to us at this stage; so --

18 MR. PHILLIPS: Your Honor, the one thing I would note
19 as we wrap up, it dawned on me on my drive over here today,
20 I've been appearing before you for 30 years now.

21 THE COURT: I was -- I had some similar thoughts
22 as -- as we were trying to set this up in terms of your
23 experience here in various modalities --

24 MR. PHILLIPS: Absolutely. It depends at which table
25 I sat at, yes.

1 **THE COURT:** -- and different kinds of cases. It has
2 been a long time.

3 All right. Just thinking whether I need to enter a
4 written order right now. I think I'll wait till after I've
5 talked to the other two judges.

6 **MR. PHILLIPS:** Your Honor, perhaps a written order
7 directing a status report by 3:00 P Friday.

8 **THE COURT:** Well, that's what I'm thinking, but
9 I'll -- let me talk to them first. So it'll be later today
10 before I issue that. All right?

11 **THE WITNESS:** Your Honor -- Your Honor, can I speak?
12 Can I speak? That the best I could with the instructions I
13 got. You know, when I saw the order --

14 **THE COURT:** I understand.

15 **THE WITNESS:** -- and I right away --

16 **THE COURT:** I understand your position.

17 **THE WITNESS:** -- (indiscernible). When they
18 called -- the office called, I was only late two days one time,
19 but each time I called the same day. I did my best,
20 Your Honor, and -- and I did all that I had to do.

21 Now, the reason why there's a basis on AdventHealth
22 hospital is because whenever I would call a line, they say,
23 "Okay. What are -- what are the bases? What -- when was he
24 hospitalized?" And then they would check with Advent and --
25 and look at things. Like, if I'd call a hotline or anything,

1 then -- you know, so then I was -- I was expecting that Advent
2 might have something, if perhaps they called or they asked
3 somebody, a nurse or an office, and asked for instruction or
4 the bases of what exactly was the patient going through or what
5 did he go through.

6 And when they -- also --

7 **THE COURT:** Ms. Edwards, we're past -- we're past all
8 that now.

9 **THE WITNESS:** The plane, Your Honor, was like 30,000
10 one way, 30,000 another way, and I submitted it to
11 Mr. Phillips, because I checked on it too.

12 **THE COURT:** You can talk to him some more about that.

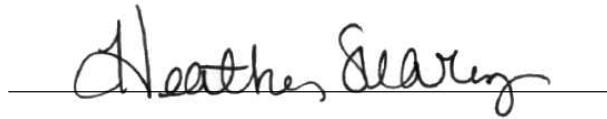
13 All right. We're in recess.

14 (Proceedings concluded at 8:38 AM.)
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CERTIFICATE OF REPORTER

I, HEATHER SUAREZ, RDR, CRR, FCRR, FPR-C, WA CCR,
CA CSR, DO HEREBY CERTIFY that the foregoing is a correct
transcription of the official electronic sound recording of the
proceedings in the above-titled matter.

DATED this 7th day of August 2024.

A handwritten signature in cursive script, reading "Heather Suarez", is written over a horizontal line.

Heather Suarez
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