

**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 REVOKING CONDITIONS OF RELEASE

On March 18, 2024, pursuant to 18 U.S.C. § 4241(d)(1), Presiding District Judge Wendy W. Berger committed Defendant Evan Edwards to the custody of the Attorney General, for hospitalization of the Defendant for treatment in a suitable facility for such a reasonable period of time—not to exceed four months—as is necessary to assess whether there is a substantial probability that in the foreseeable future Defendant will attain the capacity to permit the proceedings in this action to go forward. Doc. No. 136. *See also* Doc. No. 152. Judge Berger further ordered that Defendant’s failure to report to the designated facility as directed would be considered a violation of his pretrial release conditions. Doc. No. 136, at 6.

On March 28, 2024, Judge Berger modified her prior Order, directing the United States to provide a new surrender date to the Bureau of Prisons which would afford sufficient time for transport of Defendant. Doc. No. 145. Judge Berger’s Order specifically directed Defendant to “coordinate with the [United States Marshals Service (“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.” *Id.*, at 2. On April 5, 2024, the United

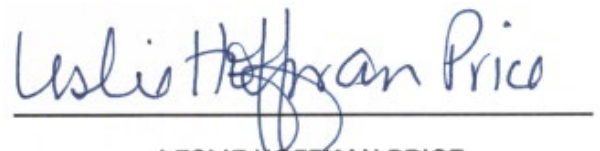
States filed a notice stating that the new surrender date to FMC Devens was May 15, 2024. Doc. No. 148.

Since that time, several orders have been entered and several hearings have been held in an attempt to obtain sufficient medical information concerning Defendant such that the USMS could properly and safely transport Defendant to FMC Devens. *See, e.g.*, Doc. Nos. 153-155, 164-167, 169-171, 174-175, 177-180. Unfortunately, as detailed in those filings and hearings, and despite the warnings by Judge Berger, United States Magistrate Judge David A. Baker, and the undersigned that failure to comply would constitute a violation of pretrial release conditions, *see* Doc. Nos. 136, 154, 175, Defendant – via his third-party custodian Mary Jane Edwards – has not complied with the Court’s directives. *See, e.g.*, Doc. Nos. 154, 166-167, 175, 177. These failures to comply culminated in this morning’s hearing, which was set by prior notice (*see* Doc. No. 180), and which ordered Defendant to be present, however Defendant did not appear and the explanation provided by Mrs. Edwards (through Defendant’s counsel) was lacking.

As such, and pursuant to 18 U.S.C. § 3148(b)(1)(B), the undersigned finds by clear and convincing evidence that Defendant’s failure to report to FMC Devens by May 15, 2024 and continued failure to provide the medical information required by the USMS to transport Defendant constitutes a violation of his conditions of pretrial release – specifically the condition that Defendant “must appear at all proceedings as required.” Doc. No. 114, at 1; *see also* Doc. No. 154, at 3-4. The undersigned further finds that Mrs. Edwards has failed to comply with her obligations as a third-party custodian, specifically “to use every effort to assure the appearance of the defendant at all scheduled court proceedings.” Doc. No. 114, at 3. For these reasons, the undersigned further finds pursuant to 18 U.S.C. § 3148(b)(2)(B) that Defendant is unlikely to abide by any conditions or combination of conditions of release.

Accordingly, Defendant Evan Edward's Order of Pretrial Release (Doc. No. 114) is hereby **REVOKED** and Defendant is **ORDERED** detained and remanded to the custody of the United States Marshals Service. The United States Marshals Service is **DIRECTED** to take Defendant into custody on or before **5:00 p.m. on Tuesday, May 21, 2024**. On or before **May 24, 2024**, the United States is **DIRECTED** to file a notice with the Court confirming that Defendant has been admitted into Orlando Regional Medical Center for evaluation, providing an estimated date for completion of the medical evaluation, and providing a new date for Defendant's surrender at FMC Devens.

DONE and **ORDERED** in Orlando, Florida on May 20, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Marshal
United States Attorney
Counsel for Defendant