UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

VS. **CASE NO: 6:22-cr-201-WWB-LHP**

JOSHUA EDWARDS

ORDER

On December 7, 2022, a grand jury returned an indictment charging Defendant Joshua Edwards with one count of conspiracy to commit bank fraud, one count of bank fraud, one count of making a false statement to a lending institution, and one count of visa fraud, in violation of 18 U.S.C. § 1349, 18 U.S.C. § 1344, 18 U.S.C. § 1014, and 18 U.S.C. § 1546(a), respectively. Doc. No. 1. Joshua Edwards was arrested on December 14, 2022, and an initial appearance proceeding pursuant to Fed. R. Crim. P. 5 was conducted before United States Magistrate Judge David A. Baker that same day. Doc. No. 9, 11.

During the course of the Rule 5 proceedings, Magistrate Judge Baker determined that there was a question as to Joshua Edward's mental competency to proceed. Doc. Nos. 9, 14. Accordingly, Magistrate Judge Baker continued the Rule 5 proceedings, provisionally appointed counsel pursuant to the Criminal Justice Act, appointed Dr. Jeffrey Danziger to examine Defendant pursuant to 18

U.S.C. §§ 4241 and 4247(b), and ordered Joshua Edwards temporarily detained. Doc. Nos. 9, 16, 19.

On February 2, 2023, Dr. Danziger submitted his expert report, in which he opines that Joshua Edwards is feigning his condition and malingering, and that he is competent to proceed. Doc. No. 70 (filed under seal). The Court held a status conference with counsel today, February 13, 2023, to discuss Dr. Danziger's report and further proceedings. Doc. Nos. 68-69. During the status conference, the United States expressed its agreement with Dr. Danziger's report, while counsel for Joshua Edwards voiced objection to the report. Doc. No. 69. Counsel for Defendant also requested an additional examination to further assess Joshua Edwards' competency. *Id.* The United States did not object to a second examination, and both sides agreed that Joshua Edwards should be committed to the custody of the Attorney General to conduct the evaluation. *Id.*; *see also* 18 U.S.C. §§ 4247(b) and (c); *United States v. McDonald*, Crim. No. 09-656-01-(SDW), 2012 WL 4659242 (D. N.J. Oct. 1, 2012).

Accordingly, upon consideration of the report of Dr. Danziger's report and the argument of counsel at today's status conference, it is hereby **ORDERED** as follows

1. The Court finds that there is reasonable cause to believe that Joshua Edwards may presently be 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 his defense. *See* 18 U.S.C. § 4241(a).

2. Joshua Edward's oral motion for a second competency evaluation is **GRANTED**. Joshua Edwards is committed to the custody of the Attorney General for placement in a suitable facility to conduct a psychiatric or psychological examination of Joshua Edwards, and to prepare and submit to the Court and all parties a psychiatric or psychological report assessing "whether [Joshua Edwards] is 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 hm or to assist properly in his defense." 18 U.S.C. §§ 4247(b), (c). *See also* 18 U.S.C. §§ 4241(b). The term of commitment shall be for a reasonable period, not to exceed thirty (30) days. 18 U.S.C. § 4247(b). The Attorney General may request, on motion to the Court, an additional reasonable period of time for evaluation, not to exceed fifteen (15) days, upon a showing of good cause that the additional time is necessary to observe and evaluate Joshua Edwards. *Id.*

3. The Clerk is **DIRECTED** to provide a copy of this Order to the United States Marshals Service. It is **ORDERED** that the United States Marshals Service shall promptly advise the Court and counsel for the parties once the Attorney

General has designated a facility for Joshua Edwards' evaluation. Because Joshua Edwards remains detained, the United States Marshal is further **DIRECTED** to transport Joshua Edwards to the designated facility.

4. If the Bureau of Prisons' and the designated facility's policies and procedures permit, the designated facility shall notify Joshua Edwards' counsel of the date of the evaluation, and allow him to attend all or a portion of the evaluation. The Court is not directing the facility to change or modify any of its policies or procedures to afford such an accommodation – it is entirely at the discretion of the facility and if the applicable policies and procedures permit.

5. The Order to Show Cause (Doc. No. 63) is hereby **DISCHARGED**.

DONE and **ORDERED** in Orlando, Florida on February 13, 2023.

Leslie Hoffman Price

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Marshal
United States Attorney
Counsel for Defendant