

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America

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v.

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Case No.: 21-CR-00028-APM

Thomas Edward Caldwell, et. al.

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Defendants

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DEFENDANT CALDWELL'S EMERGENCY MOTION FOR EXPEDITED
HEARING AND BRIEFING SCHEDULE

Comes now Thomas Edward Caldwell ("Caldwell"), by counsel, and moves this Honorable Court to consider his Emergency Motion for Expedited Hearing and Briefing Schedule with respect to his Motion to Review the Magistrate's Detention Order Pursuant to 18 U.S.C. §3145(b) and Motion for Release. In support of said motion, Caldwell states as follows.

1. On February 8, 2021, Caldwell filed his Motion to Review the Magistrate's Detention Order Pursuant to 18 U.S.C. §3145(b) and Motion for Release.
2. Caldwell has been in the custody of the U.S. Marshall Service in Orange, Virginia since January 19, 2021.
3. As set forth in the accompanying Memorandum, his extended incarceration, his medical condition, and the ability to provide conditions of release if found to be necessary, all necessitate hearing this matter on an expedited basis.
4. Caldwell suggests that the Government file its responsive brief to his

Motion on February 9, 2012, his reply, if any, be filed February 10, 2021, the matter be set for hearing on February 11, 2021.

Wherefore, the reasons stated above, Caldwell moves this Court to grant his Emergency Motion for an Expedited Hearing and Briefing Schedule and grant the Briefing Schedule as set forth.

Respectfully submitted by,

Thomas Edward Caldwell
By Counsel

/S/

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Counsel for Defendant Thomas Edward Caldwell

CERTIFICATE OF SERVICE

I certify that on this 9th day of February, 2021, I electronically filed the foregoing Emergency Motion For Expedited Hearing And Briefing Schedule using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Kathryn Leigh Rakoczy at kathryn.rakoczy@usdoj.gov

/S/

Thomas K. Plofchan, Jr., Esq.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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Case No.: 21-CR-00028-APM

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Defendants

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DEFENDANT CALDWELL'S MEMORANDUM IN SUPPORT OF HIS
EMERGENCY MOTION FOR EXPEDITED HEARING
AND BRIEFING SCHEDULE

Comes now Thomas Edward Caldwell ("Caldwell"), by counsel, and moves this Honorable Court to consider his Emergency Motion for Expedited Hearing and Briefing Schedule with respect to his Motion to Review the Magistrate's Detention Order Pursuant to 18 U.S.C. §3145(b) and Motion for Release. In support of said motion, Caldwell states as follows.

1. On February 8, 2021, Caldwell filed his Motion to Review the Magistrate's Detention Order Pursuant to 18 U.S.C. §3145(b) and Motion for Release.

2. Caldwell has been in the custody of the U.S. Marshall Service in Orange, Virginia since January 19, 2021, after he was ordered detained at a hearing before Magistrate Joel Hoppe in Harrisonburg, Virginia in the Western District of Virginia. At that hearing he was not represented by counsel though the Court appointed the Federal Defender to advise him. He was also informed that he would have a preliminary hearing in the District of Columbia. However, he was never

transported to the District of Columbia and the Government obtained an indictment, thereby extinguishing his right to a preliminary hearing.

3. Caldwell has at all times maintained his innocence with regard to all charges and the Government has not provided any evidence to support the indictment that has ever been subject to cross-examination.

4. Caldwell has significant medical issues that are best treated upon release. Currently, the medical staff in Orange, Virginia is not providing certain medicine that was prescribed by Caldwell's physician because the doctor at the Central Virginia Correctional Facility does not agree with Caldwell's doctor's diagnosis or treatment.

5. Caldwell is entitled to release pending trial and the review of the detention hearing should not be delayed as he has already been in custody for 20 days. Given his already extensive incarceration and his medical condition, Caldwell's Motion for Detention Review should be heard on an expedited basis.

6. Caldwell suggests that the Government file its responsive brief to his Motion on February 9, 2021, his reply, if any, be filed February 10, 2021, the matter be set for hearing on February 11, 2021.

Wherefore, for the reasons stated above, Caldwell moves this Court to grant his Emergency Motion for an Expedited Hearing and Briefing Schedule and grant the Briefing Schedule as set forth.

Respectfully submitted by,

Thomas Edward Caldwell
By Counsel

/S/

Thomas K. Plofchan, JR., DC Bar#VA100
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Fax: 703-444-9498
E-mail: tplofchan@westlakelegal.com
Counsel for Defendant Thomas Edward Caldwell

CERTIFICATE OF SERVICE

I certify that on this 9th day of February, 2021, I electronically filed the foregoing Memorandum In Support of His Emergency Motion for Expedited Hearing and Briefing Schedule using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Kathryn Leigh Rakoczy at kathryn.rakoczy@usdoj.gov

/S/

Thomas K. Plofchan, Jr., Esq.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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Case No.: 21-CR-00028-APM

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Defendants

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ORDER GRANTING DEFENDANT CALDWELL'S EMERGENCY MOTION
FOR EXPEDITED HEARING AND BRIEFING SCHEDULE

WHEREAS the Court has considered the Defendant Thomas Edward Caldwell's Emergency Motion for Expedited Hearing and Briefing Schedule with respect to his Motion to Review the Magistrate's Detention Order Pursuant to 18 U.S.C. §3145(b) and Motion for Release; and

WHEREAS the Court finds the request meritorious;

It is hereby ordered that the Government shall file any responsive brief to this Motion on February 9, 2021; the Defendant shall file a reply, if any, on February 10, 2021, the matter be set for hearing on the Court's docket as notified by the Court.

February __, 2021

Judge Armit P. Mehta, U.S. District Judge