

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America

v.

Thomas Edward Caldwell, et. al.
Defendants

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Case No.: 21-CR-00028-APM

DEFENDANT CALDWELL'S AMENDED 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 Amended 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 10, 2021, his reply, if any, be filed February 11, 2021, the matter be set for hearing on February 12, 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/

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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.