

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

* * * * *	)	
UNITED STATES OF AMERICA,	)	Criminal Action
	)	No. 21-00292
Plaintiff,	)	
	)	
vs.	)	
	)	
CHRISTOPHER JOHN WORRELL,	)	Washington, DC
	)	October 13, 2021
Defendant.	)	10:13 a.m.
	)	
* * * * *	)	

TRANSCRIPT OF SHOW CAUSE HEARING  
CONDUCTED IN PERSON/VIA ZOOM  
BEFORE THE HONORABLE ROYCE C. LAMBERTH,  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:	WILLIAM K. DREHER, ESQ. UNITED STATES ATTORNEY'S OFFICE 700 Stewart Street Suite 5220 Seattle, Washington 98101
---------------------	---

FOR THE DEFENDANT:	ALEX R. STAVROU, SR., ESQ. ALEX R. STAVROU, P.A. 13046 Racetrack Road Suite 333 Tampa, Florida 33626
--------------------	--

REPORTED BY:	LISA EDWARDS, RDR, CRR Official Court Reporter United States District Court for the District of Columbia 333 Constitution Avenue, NW Room 6706 Washington, DC 20001 (202) 354-3269
--------------	---

1 THE COURTROOM DEPUTY: Your Honor, we're on the  
2 record for Criminal Case 21-292, the United States of  
3 America versus Christopher John Worrell.

4 Counsel, please identify yourselves for the  
5 record.

6 MR. DREHER: Good morning, your Honor. William  
7 Dreher for the United States.

8 MR. STAVROU: Good morning, your Honor. Alex  
9 Stavrou on behalf of Mr. Worrell.

10 THE COURT: Thank you.

11 THE COURTROOM DEPUTY: Mr. Copeland, if you could  
12 please approach the lectern and identify the individuals you  
13 have with you in court today.

14 MR. COPELAND: Good morning, your Honor. My name  
15 is Chad Copeland. I'm Deputy Attorney General from the  
16 Office of the Attorney General for the District of Columbia.

17 With me today in the courtroom is the Director of  
18 the Department of Corrections, Quincy Booth; the Deputy  
19 Director, Wanda Patten; the General Counsel, Eric Glover;  
20 the Assistant General Counsel, Michelle Wilson; Beth Jordan,  
21 who is DOC's medical director; and Eleni O'Donovan, a doctor  
22 from Unity Healthcare.

23 THE COURT: Okay. Before we go forward, I need to  
24 clear one thing with Mr. Stavrou.

25 As we talked about yesterday, Mr. Stavrou, the

1 Court's ability to go forward like this has been hampered by  
2 the unbelievably harmful, to the Court, lack of cooperation  
3 by the D.C. Department of Corrections in suddenly on  
4 September 13th deciding it would no longer make available to  
5 the Court the four rooms that had been made available in the  
6 past after the pandemic occurred for video hearings. And  
7 they cut it to two for the District Court on September 30th,  
8 effective immediately.

9 And I had to already cancel hearings that I had  
10 set in advance after September 13th and could not have  
11 statuses by video, could not set this by video yesterday or  
12 today, because there has to be more advance notice and  
13 there's such limited availability of the rooms to conduct  
14 videos because the Department of Corrections has refused to  
15 cooperate with this Court in making more rooms available.  
16 And so it makes it virtually impossible to set anything like  
17 this on short notice.

18 The last time I tried to do it, I brought the two  
19 Defendants here for a live hearing. One of the two was  
20 transported here and had been tested, but the results of the  
21 test were not known as to whether he was COVID positive or  
22 not. So once he got here, the marshals simply sent him back  
23 because they were worried about exposure to other defendants  
24 and marshals here in the courthouse. And so I was not able  
25 to conduct the hearing here anyway then, because I couldn't

1 even do a live hearing because of the incompetence of the  
2 jail officials in not telling the marshals what the result  
3 of the test was. It turned out it was negative, so  
4 everything was all just a complete screw-up.

5 So that's how I start this hearing. I have to see  
6 if your client is willing to consent to going forward  
7 without his presence today. When I discussed that with you  
8 yesterday, you said because of problems with the jail it was  
9 virtually unlikely that you would be able to contact your  
10 client since you had to make arrangements in advance and  
11 very unlikely you'd be able to actually discuss this with  
12 your client before today, but you were willing to go forward  
13 and waive his presence for the purposes of today.

14 Do you want to discuss our discussion about this  
15 or say anything else about that today?

16 MR. STAVROU: No, sir. I was fortunate enough  
17 this morning that Mr. Worrell was able to make an  
18 attorney-client-privileged call to me. It was very early  
19 this morning, somewhat unexpected. He did not expect to  
20 appear at this hearing based on the short notice. So I  
21 believe, sir, that based on my discussions with him this  
22 morning, that we can consent to a waiver of his appearance  
23 for purposes of this hearing.

24 THE COURT: Thank you very much.

25 So I'll show Defendant waives.

1           Mr. Copeland, in response to the order to show  
2           cause, I received an email last night with things that you  
3           were seeking to file at 7:00. So I did receive that last  
4           night.

5           MR. COPELAND: Thank you.

6           THE COURT: If you want to go ahead, then, I'll  
7           hear what you have to say.

8           MR. COPELAND: Sure. I'll just briefly summarize  
9           what we put in our papers.

10           We ask the Court not to enter civil contempt  
11           against the Director or against the Deputy Director. Civil  
12           contempt is a remedial sanction designed to coerce  
13           compliance with a court order.

14           We provided Dr. Wilson's narrative notes --  
15           narrative specialty notes to the Marshals Service yesterday  
16           afternoon. There is no noncompliance to remedy at this  
17           point.

18           And then additionally, we will -- I would like the  
19           Court to know that in terms of complying, the administrative  
20           staff in the Medical Department do not work on the weekends  
21           or holidays. So this was turned around within one business  
22           day. We recognize that the Court wished that it had  
23           happened faster, and this is a lesson that the Department of  
24           Corrections will learn moving forward.

25           We also realize that in communicating with the

1 Marshals Office that the explanation that the Defendant here  
2 would be going for an additional trip to see Dr. Wilson on  
3 Thursday may have appeared to the Marshals Service that we  
4 were saying we would not respond until after that visit.  
5 And that was not the Department --

6 THE COURT: That was the way I read Ms. Wilson's  
7 letter as well.

8 MR. COPELAND: I recognize why that was read that  
9 way, your Honor. And so there's a communication lesson for  
10 the Department as well.

11 We always intended to produce what we had  
12 immediately and then supplement with the results of the  
13 visit on the 14th.

14 THE COURT: Let me ask this, because I have been  
15 pressing the U.S. Attorney for this record of his treatment  
16 of his hand since September 18th. I became concerned. I  
17 was trying to write an opinion by September 18th dealing  
18 with his outstanding medical issues. And I was pretty  
19 satisfied on September 18th that D.C. was on top of the  
20 issues regarding his cancer treatment.

21 I was dumbfounded when I realized that there was  
22 no explanation for what was then in his medical records  
23 about why he had not been properly treated for the wrist.  
24 And I contacted Mr. Dreher. I'd attempted to contact  
25 Mr. Pierce, who was then the Defendant's attorney. That was

1 during this period when Mr. Pierce was unavailable to be  
2 contacted. I understand from other sources -- he's now  
3 withdrawn in this case. But I understand from other sources  
4 he was having a COVID problem himself at that point and was  
5 unable to respond.

6 But I did talk to Mr. Dreher at that time, and I  
7 asked him to supplement the record with what he could find  
8 out because I could not rule on the outstanding motion that  
9 then existed because there was not adequate information in  
10 the record about the hand and why he had not received the  
11 operation that had been recommended by the doctor for the  
12 hand.

13 And I saw in the record that he had broken his  
14 hand on May 16th, that he had been taken to the hospital  
15 emergency room that day or the next day, that he had gone  
16 back and then seen this expert, orthopedic expert, which is  
17 all proper. And I saw in the record that had been filed  
18 with me then -- I've forgotten the date that I first saw it,  
19 but in any event I knew in September from the record that  
20 the expert had recommended in June that he have an operation  
21 on the hand.

22 And I did not understand why there was still no  
23 operation. I asked Mr. Dreher what he could do about  
24 supplementing the record, and he filed a supplement to the  
25 record shortly thereafter and said he had filed everything

1 he could get, which did not answer the question.

2 So on September 18th, I called up the acting  
3 United States Marshal for this district, Lamont Ruffin, and  
4 told him that I was not satisfied with the treatment that he  
5 was getting and that the marshals should look into that,  
6 since the Marshal is ultimately responsible. If the D.C.  
7 Jail was not going to provide the proper treatment, I wanted  
8 him moved. And I thought other prisoners might need to be  
9 moved from the D.C. Jail if they weren't going to get proper  
10 treatment at the jail. I don't know the reason for not  
11 getting the proper treatment. But in any event, I asked the  
12 Marshal to look into it.

13 And an exchange of correspondence then went out  
14 between the Marshal and the jail. And as a followup to my  
15 conversation with the Marshal, he sent a September 22nd --  
16 his staff sent a September 22nd very specific request to the  
17 jail to give him Dr. Wilson's notes. So that has been  
18 pending since September 22nd. So this is from a May break  
19 of the hand, a June 10th recommendation by Dr. Wilson to do  
20 surgery on the hand, a September 22nd request that these  
21 notes be produced.

22 So you can imagine my surprise, then, Thursday  
23 last week when the U.S. Attorney and Mr. Stavrou filed with  
24 me a status report saying this couldn't be done because the  
25 Marshal had not approved the operation. It was news to the



1 Marshal when I called him up and said: Marshal Ruffin, why  
2 are you holding this up? It was news to him as well, since  
3 they were still awaiting these notes. And they could not  
4 approve it without the notes. They had never been given the  
5 notes.

6 So I issued that order on Friday, asking for the  
7 notes forthwith. And I don't know from what you provided  
8 last night -- how did the notes magically appear and why  
9 were they never given to Mr. Dreher? Mr. Dreher had been  
10 asking for them and was never able to get them. I had been  
11 asking for them and never got them. The Marshal asked for  
12 them in writing September 22nd and never got them. Where  
13 did they suddenly come from?

14 MR. COPELAND: The notes --

15 THE COURT: How did they suddenly come in late?  
16 After I set this trial of the D.C. Department of Corrections  
17 Director and the Warden, then suddenly they appear. Where  
18 have they been?

19 MR. COPELAND: Your Honor, they were part of the  
20 information in the possession of the Department of  
21 Corrections. They were not part of the electronic medical  
22 record. And so in terms of producing --

23 THE COURT: Well, where were they?

24 MR. COPELAND: They were in the possession -- in a  
25 file for the Defendant.

1 THE COURT: Why were they not given to the  
2 marshals in September, if not before?

3 MR. COPELAND: Your Honor, I don't know. And I  
4 don't understand what happened. I think there was an  
5 understanding that we were providing his entire medical  
6 record in terms of the electronic medical record. And then  
7 thus, we thought that we were complying.

8 The notes issue is a Howard University Hospital  
9 record that we had a copy of after his visits, and so those  
10 were added to the electronic medical record now.

11 I think -- all I can say is it stems from DOC  
12 producing its records versus the records from Howard  
13 University Hospital. But now they are -- they are now and  
14 going forward will be part of the electronic medical record.  
15 So this will never happen again.

16 THE COURT: When I ordered them on Friday, they  
17 were in the Department of Corrections' possession. They  
18 were not forthwith produced. Why?

19 MR. COPELAND: Respectfully, your Honor, we  
20 believe that they were produced forthwith. They were turned  
21 around the next business day. It was a matter of  
22 scanning --

23 THE COURT: Only after I set the contempt trial.

24 MR. COPELAND: No, your Honor. As Mr. Glover's  
25 declaration sets out, he spoke with Medical the afternoon --

1 on Friday afternoon when he received your order. And then  
2 on Tuesday morning, a member of Ms. Wilson from the  
3 Department of Corrections General Counsel's Office followed  
4 up with Medical to make sure that those notes were coming.  
5 They were being scanned and then added to the electronic  
6 medical record as of Tuesday morning.

7 And so though your Honor's order came out before  
8 we made the production, it was not the impetus for the  
9 production. We intended to comply as soon as we received it  
10 on Friday.

11 THE COURT: Well, no one knew you intended to  
12 comply, because Ms. Wilson's letter indicated you weren't  
13 going to do anything until this additional interview by  
14 Dr. Wilson.

15 Now, tell me about this letter of this Doctor --  
16 whoever it is here -- O'Donovan. Tell me how that came  
17 about. That's very suspicious to me.

18 MR. COPELAND: Specifically, your Honor, which  
19 letter? We do have Dr. O'Donovan here, if the Court has  
20 questions for her.

21 THE COURT: 10-7-21. The statement from  
22 Dr. O'Donovan.

23 MR. COPELAND: I'm sorry, your Honor. I'm not in  
24 possession of what you're talking about. But I'm happy to  
25 speak with my client to figure out --

1 THE COURT: I'll hand it down to you.

2 (Tenders document to counsel.)

3 She was talking about how to talk Dr. Wilson into  
4 changing his mind about the surgery.

5 MR. COPELAND: My understanding, your Honor, on  
6 this issue is that DOC's medical staff felt that they got  
7 some mixed signals from Dr. Wilson in terms of the necessity  
8 for the surgery. He was there in June at Howard. He was  
9 there in July at Howard. And that their interpretation of  
10 what information they were receiving from Dr. Wilson was not  
11 clear anymore and that they wanted --

12 THE COURT: Well, the medical records after each  
13 time he was there continued to say: Waiting for OR. So  
14 there's no ambiguity in the medical records. All throughout  
15 that, every time he went to Howard, they said they're just  
16 waiting on the operating room.

17 MR. COPELAND: I understand, your Honor.

18 I'm relaying what I understand to have been the  
19 concern, that there was some ambiguity that was communicated  
20 from Howard to our staff at DOC as to the necessity of the  
21 medical, notwithstanding what's in the records.

22 THE COURT: I really can't accept that  
23 explanation.

24 MR. COPELAND: You know, I understand the Court's  
25 position. That is our understanding. Again, I have

1 Dr. O'Donovan here, if the Court would like some  
2 clarification in terms of the document you just handed me  
3 from the EMR.

4 THE COURT: Do you have any evidence you want to  
5 put on other than what we've already talked about?

6 I need that back. It's my only copy.

7 MR. COPELAND: (Tendering document to the Court)

8 Sure.

9 In terms of evidence, your Honor, no. I think we  
10 would stand on the declaration in terms of responding to the  
11 Court's order and again urge that because the noncompliance  
12 has now been remedied that there's no need to issue a  
13 finding of civil contempt.

14 I'd also stress just again for the Court that the  
15 communication issues on Friday in terms of our compliance  
16 are lessons that we learned. We also -- you know, the  
17 General Counsel of the Department of Corrections and my  
18 Office of the Attorney General are committed to making sure  
19 that the Court feels that the District is responsive to its  
20 concerns. And so we remain available anytime that the Court  
21 has questions or concerns.

22 THE COURT: What happens when something like this  
23 occurs, where surgery is recommended in June and it's still  
24 not happened? Does no one care? Does no one follow up?  
25 Does no one do anything? It just goes into Never Never

1 Land, like this one?

2 MR. COPELAND: No, your Honor.

3 THE COURT: Well, what's happened since then?

4 MR. COPELAND: In terms of that specific issue, I  
5 can't speak specifically beyond what's in the medical  
6 records, which the Court has already reviewed.

7 But residents at the D.C. Jail, particularly those  
8 with chronic conditions or ongoing medical issues, they  
9 receive ongoing care and treatment and check to make sure  
10 that their medical needs are met.

11 THE COURT: Well, his medical need hasn't been met  
12 since June. He's needed an operation. He hasn't gotten it.  
13 The Marshals Service has been asking for this documentation  
14 about the need for it so they could approve it. They  
15 haven't been able to get it. It took a court order from me  
16 and a threat of contempt to finally get the record needed to  
17 get it approved.

18 Why did that occur?

19 MR. COPELAND: It's a --

20 THE COURT: And no one noticed at the jail that  
21 he's sitting there in pain all this time?

22 MR. COPELAND: I believe that he has been seen,  
23 your Honor, since July, so he is receiving ongoing  
24 treatment. And as part of that treatment, there's a regular  
25 examination to make sure that people are healthy, that their

1 needs are being met, that there are questions asked about  
2 how they're doing. So he is receiving ongoing care.  
3 There's no question about that.

4 This issue on the surgery is, as I've explained,  
5 one where Medical's understanding was that there was some  
6 ambiguity as to whether it was needed. The visit tomorrow  
7 should clarify that beyond any doubt, and this will no  
8 longer be a question.

9 THE COURT: You can sit down, Mr. Copeland.

10 Let me hear from the Defendant's lawyer next.

11 Mr. Stavrou?

12 MR. STAVROU: (No audible response.)

13 THE COURT: You're muted.

14 THE COURTROOM DEPUTY: Mr. Stavrou, you're muted.

15 MR. STAVROU: My apologies. Thank you.

16 I would like to express some concerns, your Honor.  
17 First, as the Court is aware and the Court pointed out, this  
18 injury occurred on May 16th of 2021. There is some line of  
19 reasoning that, had there been proper and immediate medical  
20 intervention with orthopedic-type services, that the surgery  
21 may not have been required.

22 So that takes us to June 11th, where I would  
23 concur with the Court that the surgery at that point was  
24 recommended. I do not believe that there is any ambiguity  
25 in the medical records in regards to whether or not that

1 surgical procedure was not recommended or that there was  
2 some gray area where it could be determined, that that's not  
3 the case.

4 The bigger concern for my client, your Honor, is  
5 that we're talking about a broken wrist. And my client, as  
6 the Court is aware, has been recommended for chemotherapy,  
7 more specifically a six-month-type chemotherapy program, and  
8 has also been recommended for radiation.

9 And there are grave concerns that if they're going  
10 to treat something that requires surgery, albeit minor  
11 compared to chemotherapy, in the same manner, that this is  
12 going to be what amounts to cruel and unusual punishment for  
13 my client, especially if, for example, the jail can't keep  
14 up with doctor visits, prior doctor visits on a schedule  
15 pursuant to a chemotherapy regimen, anticipating any of his  
16 needs such as nausea, pain or any of the other side effects  
17 of chemotherapy.

18 And so my client and I have grave concerns that  
19 going forward that they're not going to be paying attention  
20 to his needs. And if they slide some papers into a file or  
21 don't pay attention to him for months at a time, the end  
22 result is either going to be the complete detriment to his  
23 health and possibly the worst-case scenario, which could be,  
24 you know, major illness or death.

25 And so my client has grave concerns going forward



1 about the care that he was expecting to receive and the care  
2 that he will need in regards to not only the wrist, but the  
3 chemotherapy.

4 THE COURT: Mr. Dreher?

5 MR. DREHER: Thank you, your Honor.

6 I think that the Court accurately set forth the  
7 timeline in this matter. Obviously, when the Government has  
8 received medical records from the D.C. Jail, we have  
9 provided those to the Court on an ongoing basis in an  
10 attempt to ensure that the Court was aware of these  
11 developments as they occurred.

12 When the medical records indicated that  
13 Mr. Worrell was awaiting an OR date which, as the Court  
14 noted, was the note that was in the medical records for  
15 several months following the visit with Dr. Wilson back in  
16 June of 2021, the Government's understanding at the time  
17 based on those records is that it was a nonemergency issue  
18 that just needed -- essentially, he needed a surgery date  
19 for that to take place.

20 As the Court noted, in late September or actually  
21 more accurately from the Government, from the U.S.  
22 Attorney's Office's perspective, it was early October when  
23 we learned that there was this issue of the notes from that  
24 original visit not having been provided and that that was  
25 the reason that the U.S. Marshal's medical team was unable

1 to approve the request to leave.

2 And then, as the Court again accurately relayed,  
3 that is when we started inquiring with the marshals about  
4 whether they had been able to receive those notes. And as  
5 of last Thursday, they had not.

6 The only other thing I would say here is -- so the  
7 Government does understand and appreciate the Court's  
8 concern about that delay. It is a delay of a different  
9 nature than what the Office understood over the last few  
10 months.

11 The only other thing I would say is -- and I think  
12 the record bears this out, as has been litigated over the  
13 last few months in these several motions for  
14 reconsideration -- the Government does believe that  
15 Mr. Worrell is receiving treatment on a timely basis for his  
16 cancer, which is obviously a serious condition, and that he  
17 just recently obviously received the results of several  
18 biopsies. They've come up with a management and treatment  
19 plan for that.

20 So I did just want in response to some of the  
21 concerns noted by Mr. Stavrou -- I did just want to note  
22 that the record at least indicates that over the last  
23 several months Mr. Worrell has been seen a half dozen to a  
24 dozen times by either specialists or those at the D.C. Jail  
25 that are on his care team to address specifically those

1 concerns. And he's had a number of diagnostic procedures  
2 that were aimed at figuring out the appropriate course of  
3 treatment for him and what stage his cancer was at.

4 Aside from those updates, your Honor, the  
5 Government has no further argument with respect to the issue  
6 of the show cause hearing.

7 THE COURT: It seems it would be simpler to do  
8 this now rather than later.

9 Mr. Copeland, you might not know, so maybe you  
10 want to consult with one of the medical people here. But  
11 can you outline for me what happens during this cancer  
12 treatment? Does he go on a medical ward for the period of  
13 convalescence? Or how is that handled at the jail when he's  
14 in chemo and radiation? Is he going to be in a medical ward  
15 or how does that work? You might fill me in a little more  
16 so I'm a little bit more comfortable with how this is going  
17 to happen.

18 MR. COPELAND: Your Honor, this is Dr. Eleni  
19 O'Donovan. She's a doctor with Unity Healthcare who can  
20 provide an answer to the Court's question.

21 THE COURT: Okay.

22 DR. O'DONOVAN: Good morning, your Honor.

23 It actually depends. We have an infirmary at the  
24 jail. Depending on what the course of treatment is and what  
25 we expect the effects to be on the patient, if there's going

1 to be a lot of side effects, this is probably a more intense  
2 chemotherapy regimen. So I would anticipate some of those.  
3 We generally admit people to the infirmary. There is a  
4 24-hour provider there. There is 24-hour nursing. We can  
5 give frequently dosed medications for pain and for nausea,  
6 for vomiting, additional nutritional support, things like  
7 that.

8 So occasionally, patients do not want to be there  
9 because it is more of a medical unit. It's a little bit  
10 more restrictive. But it would depend on the medical need.  
11 And we follow the recommendations of the treating  
12 oncologist.

13 THE COURT: And the oncologist is going to be from  
14 Howard?

15 DR. O'DONOVAN: Correct.

16 THE COURT: Okay. And the oncologist is  
17 administering that at Howard or how does that work?

18 DR. O'DONOVAN: It depends on whether it's an  
19 infusion therapy or a pill. Sometimes we administer it on  
20 the schedule given by the oncologist. If it's an infusion,  
21 then the Department of Corrections transfers the patient.  
22 The same for radiation, if it's indicated.

23 THE COURT: But the radiation would be there at  
24 the jail?

25 DR. O'DONOVAN: Obviously, no. At Howard.

1 THE COURT: Oh, at Howard?

2 DR. O'DONOVAN: Yes. DOC would transport.

3 THE COURT: Now, if he has the hand surgery, how  
4 is that going to work in connection with this chemo?

5 DR. O'DONOVAN: So it's a good question. I don't  
6 know that I completely have the answer. I think we'll know  
7 more tomorrow after he meets with Dr. Wilson, if Dr. Wilson  
8 is going to proceed with surgery, which was a question when  
9 I spoke to him last week. If he proceeds, then it depends.  
10 Sometimes patients are admitted for one or two nights;  
11 sometimes a day surgery and we transport in the morning and  
12 then receive them again at the infirmary for pain control,  
13 wound care and postoperative observation.

14 THE COURT: Thank you.

15 MR. COPELAND: Anything further from me, your  
16 Honor?

17 THE COURT: No. Do you have anything else you  
18 want to say?

19 MR. COPELAND: No, your Honor. Thank you.

20 THE COURT: Based on the record before me, I find  
21 that the Warden and the Director of the D.C. Department of  
22 Corrections are both in contempt of this Court's order by  
23 their failure to forthwith produce the record that they  
24 finally produced of the notes of Dr. Wilson.

25 I find it inexcusable that they were not earlier

1 produced. But that was not contempt. It was contempt when  
2 they didn't produce them forthwith when I ordered it on  
3 Friday.

4 And the communication back to the Court on Monday  
5 that led the Court to conclude that they weren't going to  
6 produce anything further until after Dr. Wilson interviewed  
7 the Defendant again, it was clear to the Court that they had  
8 given the back of the hand to the Court, that they had no  
9 intention of doing anything further. They did not  
10 communicate to the Court. They intended not to do anything  
11 further except have Dr. Wilson make a further interview of  
12 the Defendant.

13 And then that last little note from this Dr. Eleni  
14 O'Donovan made clear that they were then going to try to  
15 persuade Dr. Wilson to change his recommendation and not  
16 recommend the surgery.

17 It's clear to the Court what was up with these  
18 Defendants, and they were clearly in contempt of this  
19 Court's order.

20 They are found in contempt of Court. There is no  
21 further sanction available in civil contempt at this time.

22 At this time, because I conclude that there is no  
23 explanation provided for the failure of the D.C. Department  
24 of Corrections, it's more than just inept and bureaucratic  
25 shuffling of papers. I find that the civil rights of the

1 Defendant have been abridged. I don't know if it's because  
2 he's a January 6th Defendant or not. But I find that this  
3 matter should be referred to the Attorney General of the  
4 United States. I will do so by order for a civil rights  
5 investigation of whether the D.C. Department of Corrections  
6 is violating the civil rights of January 6th Defendants by  
7 engaging in the conduct in this and maybe other cases as  
8 well.

9 It's clear to me that the rights of this Defendant  
10 were violated by the D.C. Department of Corrections in this  
11 case. And it is apparent that there is more going on here  
12 than just laying aside these papers.

13 The Court will be in recess.

14 (Proceedings concluded.)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CERTIFICATE**

I, LISA EDWARDS, RDR, CRR, do hereby certify that the foregoing constitutes a true and accurate transcript of my stenographic notes, and is a full, true, and complete transcript of the proceedings produced to the best of my ability.

Please note: This hearing occurred during the COVID-19 pandemic and is therefore subject to the technological limitations of reporting remotely.

Dated this 13th day of October, 2021.

/s/ Lisa Edwards, RDR, CRR  
Official Court Reporter  
United States District Court for the  
District of Columbia  
333 Constitution Avenue, NW, Room 6706  
Washington, DC 20001  
(202) 354-3269