

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

No. [REDACTED]

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MOTION FOR RELEASE OF MEDICAL RECORDS

1. The defendant, [REDACTED] moves pursuant to 18 U.S.C. §§ 4241 & 4242 and Rule 12.2(c) of the Federal Rules of Criminal Procedure for an order to the Veterans' Administration (VA), so that agency will release his medical records to the Federal Bureau of Prisons. We request this motion be filed under seal, given the sensitive nature of the request.

2. The defendant is charged in an indictment (EX 1) with engaging in anal sodomy with another man, [REDACTED] while both men were hospitalized at the VA hospital in Salisbury, NC. The affidavit supporting the criminal complaint (EX 2) relates a bizarre incident that forms the basis of the charge.

3. Pursuant to an order signed by Magistrate Judge Sharp on [REDACTED] the defendant is currently undergoing psychiatric examination at the Federal Corrections Institute in Atlanta, Georgia, to determine his competency to stand trial and his mental state at the time of the offense.

4. The undersigned recently spoke to [REDACTED] who is conducting the psychiatric evaluation. [REDACTED] needs the defendant's VA medical records. The defendant was apparently in the VA hospital in Salisbury almost continuously from July, 1995, until his arrest on the instant allegations on [REDACTED]. Further, the defendant has told the undersigned that he has practically "lived" in various VA hospitals for years. Hence, his VA medical records are a necessity for

a proper psychiatric examination. Despite [REDACTED] request, the VA has refused to release these records to [REDACTED]

5. The undersigned has contacted Mr. Mike Joseph, the Assistant United States Attorney on this case, and he has no objection to this motion or court order for medical records.

6. Accordingly, the defendant respectfully requests that the Court order the VA to release the defendant's medical records to [REDACTED] for the psychiatric examination. A draft order is submitted herewith.

Respectfully submitted, February 25, 2004.

WILLIAM E. MARTIN  
Federal Public Defender

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WILLIAM S. TRIVETTE  
Assistant Federal Public Defender  
North Carolina State Bar [REDACTED]  
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(910) 333-5455

CERTIFICATE OF SERVICE

This is to certify that on February 25, 2004, I caused to be served a copy of the foregoing upon:

Mr. Michael Joseph  
Office of the United States Attorney  
P. O. Box 1858  
Greensboro, North Carolina 27402

by hand-delivering or by mailing a copy of the same.

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William S. Trivette  
Assistant Federal Public Defender