

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

USA :
v. : NO. 3:06cr259 (JBA)
AMEER THOMAS :

ORDER FOR HEARING ON MOTION FOR RELEASE [DOC. # 75]

The defendant submitted his revised motion for release from custody on November 16, 2007 following his entry of guilty plea on November 9, 2007 to the charge of possession with intent to distribute 50 plus grams of crack cocaine (21 U.S.C. § 841 (a)(1)). He seeks release pending his sentencing on February 5, 2008 to permit him to obtain necessary medical treatment privately, for which he has insurance coverage, because he believes that the DOC which houses him for the U.S. Marshal Service has failed to provide him with timely and appropriate medical treatment to address what is undisputedly a very serious constellation of medical conditions.

He has provided email correspondence from the director of medical services for Department of Corrections Managed Health Care about their recent first step to provide defendant with this needed surgery -- to hospitalize him to perform a colostomy, only to find he already had had one, with no further steps planned to be taken until after January 1, 2008. Defense counsel has faxed to the Court a medical record from November 27, 2007 reflecting the attending physician's serious concern "about the coordination of care activities that are required to properly address the complex needs of this patient... [as] the landscape perpetually changes." This record contrasts with the Government's position in opposition to defendant's

motion that there is no medical evidence that the defendant is not receiving proper or adequate medical care or that he should be receiving immediate treatment.

The Government further opposes defendant's release on proposed conditions on the grounds that defendant satisfies none of the preconditions for release pending sentencing, noting that defendant committed the instant crime while a paraplegic such that his medical condition has not previously posed a deterrent to criminal activities, that defendant faces a 10 year mandatory minimum, and that defendant earlier left UCONN Medical Center against medical advice at the time of this crime.

The Court has held a series of conferences with counsel since at least May to monitor defendant's apparently worsening medical condition to encourage prompt and efficacious action to address the situation. All U.S. Marshal Service authorizations for payment for Defendant's needed surgical and other treatment are represented to the Court to be in place now but the Court is aware of no immediate surgical treatment for the defendant, notwithstanding the attending physician's view that defendant is "in a better position to undergo surgery now than he was six months ago."

Accordingly, a hearing will be held on Friday, December 21, 2007 at 2:00 p.m. in Courtroom Two on defendant's Motion for Release pending sentencing under conditions which will enable him to immediately obtain necessary surgical treatment. Both the government and defendant are invited to present such testimony medical records and/or specific medical/hospitalization plans which detail precisely

what defendant's immediate care will be if released or if detained.

IT IS SO ORDERED.

/s/

Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut: December 19, 2007