

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

RYAN SAMSEL,

Defendant.

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) **Criminal No. 1:21-cr-00537-TJK**
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SECOND MEDICAL STATUS REPORT

Defendant Ryan Samsel, by and through the undersigned counsel, and pursuant to the Court's September 14, 2021, Minute Entry, provides this second status report concerning Mr. Samsel's request for medical records. Defense counsel last submitted a status report on behalf of Mr. Samsel on September 20, 2021, after he had then recently been involved in an incident with the correctional officers at the Central Virginia Regional Jail, in which Mr. Samsel reported that he was "dropped while being removed" from his cell.

The next day, on Tuesday, September 21, 2021, according to Mr. Samsel, or on Wednesday, September 22, 2021, according to the U.S. Marshal's Service (it could have been very early that morning), Mr. Samsel was transported to the emergency room at Novant Health UVA. According to the U.S. Marshal's Service, "the provider documentation from the ER doesn't indicate any abnormal findings, the CT of the head was normal, and the official diagnosis was syncopal episode." According to Mr. Samsel, he was diagnosed with a concussion that was likely the result of the injuries he sustained while being transported from his cell on September 15, 2021.

Following his return to the Central Virginia Regional Jail from Novant Health UVA, Mr. Samsel was placed in solitary confinement without any recreational time, where the lights in his

cell remained on for twenty-four (24) hours a day, and where he remained under constant video surveillance. According to Mr. Samsel, his solitary confinement was to continue until he recanted his statement that he suffered a concussion.

On Thursday, September 23, 2021, the undersigned was permitted an unrecorded video conference with Mr. Samsel. Mr. Samsel's left eye was clearly bruised – he had what this non-medically-trained professional would describe as a “black eye.” In addition, Mr. Samsel very clearly had a large red welt on his back. The undersigned will provide pictures of the same to the Court upon request. Although the undersigned requested any medical records from Mr. Samsel's trip to the emergency room, including the “provider documentation” referenced by the U.S. Marshal's Service, as of filing no medical records have been provided.

After this video conference, at approximately 1:44 PM EDT, the government provided the above-quoted update as to Mr. Samsel's medical status and further advised that Mr. Samsel had been taken for a medical appointment and would not be available for the Court's previously scheduled 4:00 PM EDT status hearing, which the Court subsequently vacated. According to the government, “[Central Virginia Regional Jail] requests an appointment with the medical provider/MRI and it is the provider who responds with the available appointment time.” However, according to the medical records provided by the government, as of September 20, 2021, the MRI, which had been requested on August 17, 2021, had yet to be scheduled. However, according to Mr. Samsel, the medical provider he saw that day was advised that Mr. Samsel needed to be seen that day instead of the following week when his appointment was scheduled.

Mr. Samsel remained in solitary confinement until September 29, 2021, when he was transferred to the Northern Neck Regional Jail in Warsaw, Virginia. His transfer occurred

following a visit by the State police, and numerous requests for updates on Mr. Samsel's status (e.g., why he remained in solitary confinement) as well as follow up requests for Mr. Samsel's medical records.

According to the U.S. Marshal's Service, Mr. Samsel's transfer occurred "[p]er the request of [Central Regional Virginia Jail] superintendent." The Marshal's Service further advised: "This is the last an only other facility I have left that can house Samsel. This is the fourth facility he is going to be moving to[]. All previous facilities Samsel was housed in I was asked he be removed." Upon learning that Mr. Samsel had been transferred, the undersigned immediately utilized the jail's online scheduling system to book an attorney-client unrecorded call with Mr. Samsel. The appointment was for Saturday, October 2, 2021 at 8:45 AM, however, Mr. Samsel was not made available for the same. The undersigned promptly requested an update as to Mr. Samsel's status and why he was not permitted a telephone call with his counsel, but as of filing has received no response.

Mr. Samsel remains untreated for the serious and pervasive medical conditions, some of which arose only after he was in the custody of the Marshals and in solitary confinement. The Marshals, however, have been unresponsive to defense counsel's requests for information. While Mr. Samsel agrees that any Status Report is not the proper forum to respond to allegations, *see* Govt. Status Report at 1 (Sep. 20, 2021) (ECF No. 51), the undersigned would note that the government's response does not address the fact that medical records have been referenced that have not been provided to defense counsel. For example, defense counsel does not dispute that Dr. Ottolini claimed to acknowledge reviewing an EMG, but the undersigned has yet to receive any record documenting that an EMG was performed. *See id.* at 1-2.

Accordingly, Mr. Samsel respectfully requests this Court invite a representative of the U.S. Marshal's Service to attend a hearing as soon as the Court's schedule will allow to advise as to whether additional medical records exist that have not been provided to defense counsel.

[SIGNATURE ON NEXT PAGE]

Dated: October 4, 2021

Respectfully submitted,

/s/ Stanley E. Woodward, Jr.

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CERTIFICATE OF SERVICE

On October 4, 2021, the undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed and served via the CM/ECF system, which will automatically send electronic notification of such filing to all registered parties.

/s/ Stanley E. Woodward, Jr.

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