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*Attorney for Shannon Egeland*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANNON EGELAND,

Defendant.

Case No. 6:09-CR-60167-2-AA

DECLARATION OF COUNSEL  
IN SUPPORT OF DEFENDANT  
SHANNON EGELAND'S FIFTH  
MOTION TO POSTPONE  
SURRENDER DATE

I, Todd H. Grover, declare the following to be true to the best of my information and belief:

1. I represent Defendant Shannon Egeland in the above captioned matter. I make this declaration in support of Mr. Egeland's fifth motion to postpone his self-surrender date.

2. On January 29, 2014, the Honorable Ann Aiken, United States Chief District Court Judge, sentenced Mr. Egeland to 120 months imprisonment in this case. Judge Aiken initially ordered that Mr. Egeland surrender to authorities to begin service of that sentence on May 1, 2014, but later postponed Mr. Egeland's self-surrender date until August 1, 2014, so that he could help care for his wife's medical needs. The Court

postponed Mr. Egeland's self-surrender date again after he suffered severe injuries as a result of a shotgun blast to his lower legs. Mr. Egeland is currently scheduled to surrender on Monday, October 13, 2014. *See* Order, ECF #347.

3. By the accompanying motion, Mr. Egeland requests that the surrender date be postponed for a period of approximately ninety days, to Monday, January 12, 2015. As detailed in the paragraphs that follow, Mr. Egeland has serious, complicated, and evolving medical needs that will best be met by his current treatment providers in Idaho.

4. Because of the severe tissue and bone damage that Mr. Egeland suffered as a result of the gunshot, his left leg was amputated just below the knee on August 10, 2014. The amputation was performed by Dr. David Hassinger of Allied Orthopaedics in Boise, Idaho. After removing the left leg, Dr. Hassinger folded a portion of Mr. Egeland's calf muscle around the bottom of the remaining tibia/fibula and pinned it to Mr. Egeland's shin, thus forming a cushion for the exposed bones. Following the operation, Mr. Egeland recovered in the hospital for a period of 15 days before being released to continue his recovery as an out-patient.

5. Mr. Egeland's right leg was also severely damaged as a result of the shotgun blast. Specifically, Mr. Egeland suffered severe soft tissue and nerve damage to the leg which has rendered him completely unable to move, much less use, his right foot. If this condition persists, Mr. Egeland's lower right leg will need to be amputated, since the non-functioning foot prevents Mr. Egeland from ambulating, and presents tripping and other dangers. To date, Dr. Hassinger has elected not to amputate the right leg, hoping that, as Mr. Egeland's body recovered, he would naturally regain the use of his foot. When Dr. Hassinger last evaluated Mr. Egeland on September 10, 2014, it was

agreed that they would wait one more month to see whether Mr. Egeland regained the use of his foot. Unfortunately, that has not occurred. Mr. Egeland is scheduled to meet with Dr. Hassinger again on October 13, 2014. At that time, Mr. Egeland anticipates that they will schedule the operation to amputate his right leg below the knee. Mr. Egeland believes that, for medical reasons, the operation will be scheduled as soon as possible, and will likely occur within the next month.

6. I have obtained medical records from Dr. Hassinger's office documenting the left-leg amputation and Mr. Egeland's continuing care. I provided copies of the records to Assistant U.S. Attorney Scott Bradford. However, because Dr. Hassinger has been out of the office for the past few weeks, I have not yet been able to talk with him about Mr. Egeland's future needs, including the anticipated amputation of Mr. Egeland's right leg.

7. Since Mr. Egeland was released from the hospital following the amputation of his left leg in August, Mr. Egeland has been receiving outpatient wound care at St. Luke's Wound Clinic in Meridian, Idaho. Mr. Egeland receives treatment at the clinic three times each week (Monday, Wednesday, and Friday). At the clinic, the stump on his left leg is carefully cleaned, as is the open tissue wound on his right leg.

8. Approximately three ago, Mr. Egeland fell while trying descend a short set of concrete stairs and, in doing so, tore open the sutures on his left leg. He has since developed a bacterial infection in that leg that requires continual monitoring. According to Mr. Egeland, as a result of the fall, he also damaged a substantial amount of the muscle tissue that Dr. Hassinger had wrapped around the exposed tibia/fibula to protect the bone. In the course of speaking with Mr. Egeland today, he reports that Dr. Raymond Otto, of

St. Luke's Wound Clinic, will perform an operation this coming Friday, October 10, to remove the dead tissue and evaluate the extent of the damage. There is a concern that the ends of the tibia and fibula may have been damaged to such an extent that a second amputation of the left leg will be necessary. Mr. Egeland learned of this development during his evaluation and treatment at the Clinic this past Friday, October 3.

9. My office has contacted the St. Luke's Wound Clinic in an effort to obtain medical records related to Mr. Egeland's past, current, and future treatment needs. We have not yet obtained the records.

10. Finally, it is worth noting that Mr. Egeland has been consulting with Dr. Mark Kormylo of Boise regarding a prosthetic limb for his left leg. Dr. Kormylo has been waiting for the swelling in Mr. Egeland's leg to subside sufficiently to fit him with a prosthetic. That work will undoubtedly remain on hold while Mr. Egeland and his doctors address the injuries sustained by his left leg as a result of the fall three weeks ago.

11. In an effort to determine whether the U.S. Bureau of Prisons (BOP) can provide the necessary medical treatment for Mr. Egeland, I have placed a call to the BOP's Office of Medical Designation and Transportation in Washington D.C. To date, that call has not been returned. However, Mr. Egeland has been designated to the BOP's Federal Medical Center at Lexington, Kentucky, and I anticipate, based on prior experience, that the BOP will say that they can provide adequate medical care for any inmate, including Mr. Egeland.

12. Assuming that is the case here, the question of postponing Mr. Egeland's surrender date comes down to an assessment of the medical risks inherent in transporting Mr. Egeland in his current condition, and a choice of care providers. Because of his

active bacterial infection and the soft tissue and (possible) bone damage resulting from his recent fall, I believe that transporting Mr. Egeland at this time poses undue risks for Mr. Egeland, and undue hardships for the U.S. Marshall's Service. Additionally, the fact that Mr. Egeland has established relationships with numerous doctors in Idaho who are actively caring for his evolving medical needs argues in favor of postponing Mr. Egeland's surrender date until such time as he is more medically stable. I believe that a delay of ninety days will be sufficient, but not greater than necessary, to address Mr. Egeland's most acute medical needs, including, if necessary, the amputation of his right leg. For that reason, I join Mr. Egeland in requesting that his surrender date be postponed until Monday, January 12, 2015.

13. I have corresponded with Assistant U.S. Attorney Scott Bradford. On behalf of the Government, Mr. Bradford opposes any further delay in Mr. Egeland's surrender.

14. I swear under penalty of perjury that the foregoing is true to the best of my information and belief.

DATED this 6<sup>th</sup> day of October, 2014.

*s/ Todd H. Grover*

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Attorney for Shannon Egeland

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DECLARATION OF COUNSEL IN SUPPORT OF DEFENDANT SHANNON EGELAND'S FIFTH MOTION TO POSTPONE SURRENDER DATE on:

Scott Bradford  
Assistant U.S. Attorney  
United States Attorney's Office  
1000 S.W. Third Avenue, Suite 600  
Portland, Oregon 97204

*Attorney for the Plaintiff*

by electronic case filing.

DATED this 6<sup>th</sup> day of October, 2014.

*s/ Todd H. Grover*

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