

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:20-cr-206-TPB-AEP

MUHAMMED MOMTAZ ALAZHARI

\_\_\_\_\_ /

**MOTION TO APPOINT AN EXPERT TO EXAMINE DEFENDANT,  
AND TO DETERMINE HIS COMPETENCY**

Now COMES Defendant, by and through undersigned counsel, and moves this Court to appoint a psychiatrist or psychologist to examine Mr. Alazhari under 18 U.S.C. §§ 4241(b) 4247(b)-(c), and to then determine his competency to be tried under 18 U.S.C. §§ 4241(c) and 4247(d).

**MEMORANDUM OF LAW**

**BACKGROUND**

Mr. Alazhari has long history of mental illness, mostly untreated. Mental illness runs in his family, as his mother is a rather serious and hopeless schizophrenic. Mr. Alazhari also suffered abuse in his home life, especially at the hands of his ill mother. He began to report to his family seeing visions and spirits (*jins*) and suffered from paranoia and depression. He was considered “slow” by his family members. As a teenager, he was imprisoned and tortured by Saudi authorities. In the Saudi prison he began to experience visual hallucinations and to talk to people who were not there. After his release from prison his paranoia and

delusions worsened, and he took to sleeping by the front door at night and waking up in panic, thinking that the FBI or Saudi spies were going to kill him. He was never formally examined or treated until adulthood, in large part because of cultural disapproval of mental health treatment within his family. During the course of the Government's investigation in this case, Mr. Alazhari was committed for in-patient mental health treatment, where he spent two days and was prescribed a course of medication, although he apparently never took the medication.

Given this background, defense counsel retained Dr. Karim Yamout to examine Mr. Alazhari. Dr. Yamout diagnoses schizophrenia, undiagnosed; autism-spectrum disorder; adjustment disorder with anxiety and depression; and "rule out" post-traumatic stress disorder and specific learning disorder. Additional testing would be indicated for PTSD and the specific learning disorder. Further, Dr. Yamout raised serious concerns about Mr. Alazhari's competence to be tried. In particular, Dr. Yamout raised concerns about Mr. Alazhari's ability to rationally discuss factual matters or have a rational understanding of the proceedings, given his delusions. As with the PTSD, further examination would be necessary for Dr. Yamout to provide a firm opinion on Mr. Alazhari's competence to be tried.

However, Dr. Yamout notes that such further examination by him would be fruitless, as Mr. Alzhari has incorporated him into his delusions. That is, Mr. Alazhari has come to believe that Dr. Yamout is a spy for the FBI or Saudi Arabia.

Mr. Alazhari has suggested similar beliefs about a certain member of defense counsel's staff, and has hinted at the same for defense counsel. As it stands, Mr. Alazhari does not yet seem to have incorporated defense counsel fully into his delusions.

In defense counsel's lay opinion, since Dr. Yamout's examination several months ago, Mr. Alazhari has decompensated badly. He has refused any treatment or medication in the jail, and has been housed alone, separate from the rest of the jail's population. He has also lost any access to a window, the jail having blocked his for some reason having to do with the presence of juveniles at the jail. At defense counsel's last meeting with Mr. Alazhari, his condition was notably worse, his paranoid delusions about the legal process were more pronounced, and he was unable to stay on topic or sit still. He also demonstrated self-awareness of his worsening mental condition and a need for treatment. Defense counsel thinks it unlikely he would be able to appropriately assist in his defense or behave appropriately in court during the expected lengthy trial in his current condition.

#### **ARGUMENT**

This Court should appoint a local expert under 18 U.S.C. § 4241(b) to perform an examination of Mr. Alazhari at the jail, and file a report with this Court addressing his competency to be tried. Thereafter, this Court should hold a hearing to determine his competence under 18 U.S.C. 4241(d). A court must grant a hearing

to determine a defendant's competency when there is "reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a).

Here, Mr. Alazhari's background, Dr. Yamout's examination, and defense counsel's lay observations of Mr. Alazhari constitute reasonable cause to believe that Mr. Alazhari has become incompetent. Further, the nature of Mr. Alazhari's mental illness is such that the Defense's own expert is unable to conduct the competency evaluation, having been incorporated into Mr. Alazhari's delusional beliefs. Accordingly, this Court should appoint a new expert to examine Mr. Alazhari, and hold a hearing to determine his competency.

DATED this 24th day of November 2021.

Respectfully submitted,

A. FITZGERALD HALL, ESQ.  
FEDERAL DEFENDER

/s/ Samuel E. Landes

Samuel E. Landes, Esq.  
D.C. Bar No. 1552625  
Assistant Federal Defender  
400 North Tampa Street  
Suite 2700  
Tampa, Florida 33602

Telephone: (813) 228-2715  
Facsimile: (813) 228-2562  
Email: [Samuel.Landes@fd.org](mailto:Samuel.Landes@fd.org)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24th of November 2021, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send a notice of the electronic filing to:

AUSA Patrick Scruggs.

/s *Samuel E. Landes*  
Samuel E. Landes, Esq.  
Assistant Federal Defender