

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 AL-AZHARI /

ORDER

On January 13, 2022, the Court found the Defendant incompetent to stand trial and committed him to the custody of the Attorney General to determine if his competency could be restored (Doc. 224). Since then, on August 3, 2022, the Warden of the Federal Medical Center at Butner, North Carolina has certified that the Defendant is competent to stand trial (Sealed Doc. 261). Further, at defense counsel's request, Karim Z. Yamout, PsyD, ABPP-CN, conducted a competency evaluation of the Defendant and Dr. Yamout issued a report on October 4, 2022 finding that the Defendant is competent to proceed. The Court conducted a hearing on the matter on October 31, 2022, and during the hearing both sides stipulated that they have reviewed the two reports and accepted the expert opinions that the Defendant is competent. *See* 18 U.S.C. § 4241(d). Notably, a review of the reports demonstrates that the examiners have detailed varied findings, but the ultimate conclusion is nonetheless the same, the Defendant is competent to proceed.

Therefore, upon consideration of the position of the parties, and the Court's independent review of the record, it is **ORDERED** that the Court finds by a preponderance of the evidence that the Defendant is presently competent in that he

can understand the nature and consequences of the proceedings against him and can assist properly in his defense.

DONE AND ORDERED at Tampa, Florida, on November 1, 2022.

A handwritten signature in blue ink, appearing to read "Anthony Porcelli", written over a horizontal line.

ANTHONY E. PORCELLI  
United States Magistrate Judge