

**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

Before the Court is the Defendant's Motion to Appoint Expert to Examine Defendant and to Determine his Competency ("Motion") (Doc. 214), by which the Defendant's attorney has provided sufficient evidence to demonstrate sincere questions about Defendant's competency to proceed in this case. Accordingly, after due consideration, the Defendant's Motion (Doc. 214) is **GRANTED** as, the Court finds that there is reasonable cause to believe that the Defendant may be presently suffering from a mental disease or defect rendering him incompetent to proceed in this matter.

As such, pursuant to 18 U.S.C. §§ 4241 and 4247, it is **ORDERED**:

1. Dr. Debra A. Goldsmith, Ph.D., 11309 Thonotosassa Road, Thonotosassa, FL 33592, is appointed to conduct a psychiatric examination of the

Defendant. The examination is to occur at the Defendant's place of incarceration and the Defendant's attorney may be present for the examination

2. Dr. Goldsmith is appointed to conduct an examination of the Defendant in order to determine his present competency to answer to the charges and to assist in the defense of this case, which shall include the Defendant's ability to understand the nature and consequences of the proceedings against him. In making this determination, Dr. Goldsmith shall include in her report the following items:

- (a) the person's history and present symptoms
- (b) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (c) the examiner's findings;
- (d) the examiner's opinions as to diagnosis, prognosis; and
- (e) whether the person is 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.

3. With regard to item (e), Dr. Goldsmith shall answer the following additional questions:

(a) Does the defendant have present sufficient ability to consult with his counsel with a reasonable degree of rational understanding and to assist in the defense of his case?

(b) Does the defendant have a rational, as well as a factual understanding of the proceedings against him?

4. Counsel shall furnish to Dr. Goldsmith any information pertinent to these issues, including a copy of the Indictment and any pertinent medical reports.

5. Upon completion of this examination, Dr. Goldsmith shall prepare a written report which includes the answers to the above questions and furnish it to Magistrate Judge Anthony E. Porcelli, 801 N. Florida Avenue, Suite 1034, Tampa, Florida 33602, with copies to the Defendant's attorney, Assistant Federal Public Defenders, Samuel Landes and Adam Allen, 400 North Tampa Street, Suite 2700, Tampa, Florida, 33602, and to Assistant United States Attorney Patrick Scruggs, 400 North Tampa Street, Suite 3200, Tampa, Florida, 33602.

6. The United States Attorney's office, 400 North Tampa Street, Suite 3200, Tampa, Florida, 33602, shall be billed directly for all services rendered in accordance with this Order.

7. A hearing pursuant to 18 U.S.C. § 4241 will be scheduled by separate notice.

DONE and ORDERED at Tampa, Florida, this 7th day of December 2021.



ANTHONY E. PORCELLI
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Dr. Debra A. Goldsmith, Ph.D.