

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

_____ )	
UNITED STATES OF AMERICA, )	
)	
v. )	
)	Crim. Action No. 20-0131 (ABJ)
ALEXANDER ALAZO, )	
)	
Defendant. )	
_____ )	

**ORDER**

On July 22, 2020, a federal grand jury indicted the defendant for four offenses arising out of his April 30, 2020 armed attack on the Cuban embassy in Washington, D.C.:

Count One: Violent Attack on an Official Premises Using a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 112(a);

Count Two: Willfully Injuring or Damaging Property Belonging To or Occupied By a Foreign Government, International Organization, Foreign Official, or Official Guest, in violation of 18 U.S.C. § 970(a);

Count Three: Interstate Transportation of a Firearm and Ammunition with Intent to Commit a Felony, in violation of 18 U.S.C. § 924(b); and

Count Four: Using, Brandishing, and Discharging a Firearm During a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(A).

Indictment [Dkt. # 18]. An evaluation was conducted pursuant to 18 U.S.C. § 4241(b), and the defendant was deemed competent to stand trial after a period of treatment. On July 24, 2023, he filed a Notice of his intention to raise an insanity defense. [Dkt. # 54].

The Court then granted the government’s motions for a psychiatric examination of the defendant pursuant to Fed. R. Crim. Proc. 12.2(c) and 18 U.S.C. § 4242. *See* Order (Jan. 5, 2024) [Dkt. # 75]; Min. Order (Sept. 11, 2023). An examination was completed by Paul Montalbano, Ph.D., ABPP, at the D.C. Department of Corrections Correctional Treatment Facility, to assess

whether, “at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts.” *See* 18 U.S.C. § 17. On March 12, 2024, the government filed the report of the forensic evaluation under seal. [Dkt. # 79-1] [SEALED]. Dr. Montalbano’s report concluded that the defendant was not criminally responsible at the time of the offense. *See* Joint Status Report (Mar. 29, 2024) [Dkt. # 82]; *see* 18 U.S.C. § 17.

On April 28, 2024, the parties filed a Stipulation of Facts in support of defendant’s plea of not guilty by reason of insanity. [Dkt. # 85].

On April 30, 2024, the Court conducted a hearing. After finding that the defendant was competent and capable of waiving his right to be tried by jury and choosing to proceed based on stipulated facts; that he understood his right to a jury trial and the consequences of entering a plea of not guilty solely by reason of insanity; that he was acting voluntarily and of his own free will; and that his decision to proceed with a plea that he was not guilty of the charged offenses solely by reason of insanity was a knowing and voluntary one, the Court accepted defendant’s waiver of his right to a jury trial, and it accepted the Stipulation of Facts, which it found contained all of the essential facts necessary to satisfy each element of all four counts. At the joint request of the parties, and based upon the Stipulation of Facts and Dr. Montalbano’s forensic evaluation, the Court found the defendant not guilty of Counts One, Two, Three, and Four solely by reason of insanity, and it determined that the defendant must be hospitalized for a psychiatric or psychological examination pursuant to 18 U.S.C. § 4243(b) to determine whether the defendant presents a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect.

Therefore, it is hereby **ORDERED** that the defendant is committed to the custody of the Bureau of Prisons pursuant to 18 U.S.C. § 4243(a) until such time as he is eligible for release under 18 U.S.C. § 4243(f).


It is further **ORDERED**, pursuant to 18 U.S.C. § 4247(b), that for purposes of the psychiatric or psychological examination to be conducted under 18 U.S.C. § 4243(b), the defendant is hereby committed for a reasonable period, not to exceed 45 days, to the custody of the Attorney General for placement in a suitable facility. The United States Marshals Service shall maintain custody of the defendant until a suitable federal medical facility has been designated for the defendant, as determined by the Federal Bureau of Prisons. In the event the defendant cannot be designated and transported today, the defendant is to be housed in a suitable medical facility pending final transfer by the United States Marshal to the facility designated by the Bureau of Prisons. It is the Court's recommendation that the defendant remain in the D.C. Department of Corrections Correctional Treatment Facility, where he is currently undergoing treatment, while awaiting designation.

It is further **ORDERED**, pursuant to 18 U.S.C. § 4243(b) and § 4247(b) and (c), that the defendant must submit to a psychiatric or psychological examination by a licensed or certified psychiatrist or psychologist to determine whether he presents a substantial risk of bodily injury to another person or serious damage of property of another person due to a present mental disease or defect, and that the examiner must file a psychiatric or psychological report with the Court.

The Court will conduct a hearing pursuant to 18 U.S.C. § 4243(c) in accordance with the provisions of § 4247(d) on July 1, 2024 at 9:30 am in Courtroom 25.

The Clerk of Court is directed to transmit copies of this Order to the United States Marshal, the Attorney General, the United States Attorney, the Bureau of Prisons, and to the defendant, through his counsel of record.

**SO ORDERED.**

  
AMY BERMAN JACKSON  
United States District Judge

DATE: May 1, 2024