

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Magistrate No. 20-00070 (GMH)
	:	
ALEXANDER ALAZO,	:	
	:	
Defendant.	:	

**GOVERNMENT’S MEMORANDUM
IN SUPPORT OF PRETRIAL DETENTION**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits this Memorandum in Support of its Motion for Pretrial Detention of Defendant Alexander Alazo under 18 U.S.C. §§ 3142(f)(1)(A) and (f)(2)(A).

I. APPLICABLE LAW

A defendant must be detained pending trial if the Court determines that no condition or combination of conditions “will reasonably assure the appearance of the person as required and the safety of any other person and the community” 18 U.S.C. § 3142(e). A finding of either risk of flight or danger is sufficient for detention. *See, e.g., United States v. Ferranti*, 66 F.3d 540, 543-44 (2nd Cir. 1995). For a detention decision based upon a defendant’s dangerousness, the government must prove by clear and convincing evidence that there are no conditions or combinations of conditions that will assure the safety of the community. *See* 18 U.S.C. § 3142(f); *United States v. Smith*, 79 F.3d 1208, 1209 (D.C. Cir. 1996). For a detention decision based upon risk of flight, the government only need prove by a preponderance of the evidence that there are no conditions or combinations of conditions that will assure the defendant’s appearance as required. *United States v. Vortis*, 785 F.2d 327, 328-29 (D.C. Cir. 1986) (per curiam); *United States v. Xulam*, 84 F.3d 441, 442 (D.C. Cir. 1996). Furthermore, at a detention hearing, the

government may present evidence by way of a proffer. *United States v. Smith*, 79 F.3d 1208, 1209-10 (D.C. Cir. 1996).

Pretrial detention pursuant to 18 U.S.C. § 3142(f)(1)(A) is permissible in cases that involve, *inter alia*, crimes of violence for which a maximum term of imprisonment of ten years or more is prescribed. Here, the lead charge that the defendant faces in the Complaint is a violation of 18 U.S.C. § 112(a), Protection of Foreign Officials, Official Guests, and Internationally Protected Persons. This statute states:

Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

Given the defendant's use of a firearm in committing this offense, as discussed, *infra*, he is subject to the heightened penalty of imprisonment of not more than ten years. According to 18 U.S.C. § 3156(a), providing definitions for sections 3141-3150, a "crime of violence" means, *inter alia*, "an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another[.]" 18 U.S.C. § 3156(a)(4)(A). Thus, the commission of 18 U.S.C. § 112(a) utilizing a deadly or dangerous weapon is covered by the 18 U.S.C. § 3156(a) definition of a "crime of violence" and renders pretrial detention permissible in this case pursuant to 18 U.S.C. § 3142(f)(1)(A).¹

A serious risk that the defendant will flee also provides grounds for pretrial detention.

¹ Moreover, even if a violation of 18 U.S.C. § 112(a) does not meet the definition of a crime of violence, detention would be appropriate pursuant to 18 U.S.C. § 3142(f)(1)(E) because the applicable portion of section 112(a) is a felony involving the use of a firearm or destructive device or any other dangerous weapon.

18 U.S.C. § 3142(f)(2)(A). The Bail Reform Act requires release of a defendant prior to trial unless a judicial officer determines, after a hearing, that “no condition or combination of conditions will reasonably assure the appearance of the person as required[.]” 18 U.S.C. § 3142(e)(1). As noted, “A determination that an individual is a flight risk must be supported by a preponderance of the evidence.” *United States v. Vasquez-Benitez*, 919 F.3d 546, 551 (D.C. Cir. 2019) (citing *Vortis*, 785 F.2d at 328-29). “That preponderance must, of course, go to the ultimate issue: that no combination of conditions—either those set out in the Bail Reform Act itself or any others that the magistrate or judge might find useful—can ‘reasonably’ assure that the defendant will appear for trial.” *Xulam*, 84 F.3d at 442 (citing 18 U.S.C. § 3142(c)).

In considering whether there are conditions of release which will reasonably assure the safety of any other person and the community, and the appearance of the defendant as required, the Court should consider and weigh the following factors: (1) the nature and circumstances of the offense; (2) the weight of the evidence against the defendant; (3) the defendant’s history and characteristics; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release. 18 U.S.C. § 3142(g). As set forth more fully below, these factors weigh in favor of detaining the defendant.

II. FACTUAL BACKGROUND

a. Summary of Offense

Starting the night of April 29, 2020, and into the early morning hours of April 30, 2020, Defendant Alexander Alazo drove to the Embassy of Cuba, located at 2630 16th Street, NW, Washington, D.C., from Middletown, Pennsylvania to confront his “enemy,” the Cubans, specifically, members of organized crime. For years, he believed that members of Cuban organized crime were surveilling him and wanted to harm him and his family. At the Embassy,

he tried to light a gasoline-soaked Cuban flag on fire, but could not do so because it was raining. He yelled and screamed at the occupied building. “Shoot me if you want to shoot me!” “I’m here!” “I’m American!” “I’m Yankee!” And then Defendant Alazo took his AK-47-style semi-automatic rifle and fired it 32 times at the building, causing extensive exterior damage and penetrating the building itself. Thankfully and luckily, no one was injured. Defendant Alazo later told law enforcement that had he seen anyone come out of the Embassy—even the Ambassador—he would have shot him because he is “the enemy.” He believed he had to shoot first, before anyone exiting the building shot him.

Surveillance video from the building recorded the offense. In the still shot below, Defendant Alazo can be seen firing his weapon at the Embassy.



b. Law Enforcement Response

On April 30, 2020, at approximately 2:13 a.m., officers of the Metropolitan Police

Department (“MPD”) arrived at the Embassy to investigate reports of gunshots in the area. After later analysis, it was determined that ShotSpotter² recorded 32 shots fired.

The officers found Defendant Alazo standing in front of the Embassy. He was holding an American flag³ and yelling nonsensical statements. A still image of video from an officer’s body-worn camera is below showing the officer’s initial approach to Defendant Alazo.



The officers detained Defendant Alazo without incident. Defendant Alazo was wearing a sweatshirt to which he had affixed the letters FBI.

The officers observed a firearm laying in front of the pedestrian entrance gate to the Cuban Interests Section. On scene, Defendant Alazo told the MPD officers that the firearm was his. The firearm was later identified as a Century Arms Inc. semi-automatic rifle, an AK-47 style weapon.

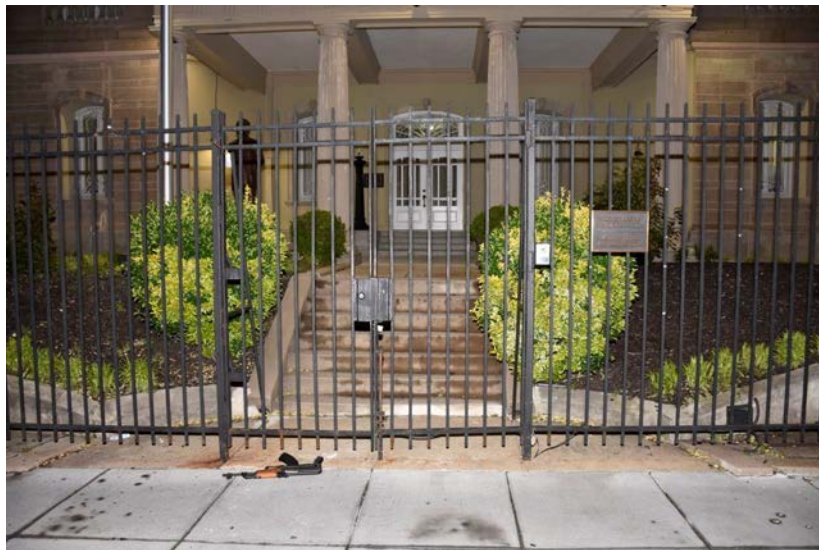
Crime scene technicians collected 32 spent shell casings from the sidewalk and street where

² ShotSpotter detects and geolocates 90% of detectable outdoor incidents within the coverage area accurate to within a circle of 25 meters.

³ In the Statement of Facts filed with the Complaint in this matter, the flag Defendant Alazo was holding was erroneously described as a Cuban flag. In fact, the Cuban flag was doused with gasoline and on the ground, and Defendant Alazo was holding an American flag when apprehended.

Defendant Alazo had been standing. They took photographs of damage sustained to the building's façade and damage from projectiles that had penetrated the building and which had struck interior objects of the occupied building.

Specifically, crime scene technicians observed and photographed multiple apparent defects in the front yard/driveway area including apparent damage to the exterior fencing, flag-pole, statue, and pillars, as shown below.





Additionally, apparent damage to the front entrance area was observed and photographed including apparent damage to an exterior glass window, the wooden front door, and front door area glass. See below.





Multiple suspected bullet fragments were collected from the exterior of the Embassy grounds.

Further, crime scene technicians observed and photographed apparent damage to the interior of the Embassy, in the main lobby area, including to the lobby stairs, far side, interior wall, and ceiling area, as depicted below.





Multiple suspected bullet fragments were collected from the interior of the Embassy in the main lobby area.

Crime scene technicians also recovered a Cuban flag that had writing on it that had possibly been doused with gasoline.



At the time of the offense, there were individuals inside of the Embassy.

Defendant Alazo was transported to the MPD Third District station for prisoner processing and questioning. A small red plastic baggie containing white powdered substance was located in the rear of the transport vehicle that brought Defendant Alazo from the offense location to the MPD Third District station. A presumptive field test concluded that the white powdered substance in question tested positive for cocaine and cocaine base. To law enforcement, Defendant Alazo denied any drug use.

c. Interviews of Defendant Alazo

Defendant Alazo was interviewed twice, first by Secret Service Protective Intelligence Agents and MPD detectives, and then by a U.S. Department of State Special Agent and a Department of State-Joint Terrorism Task Force officer. He was read his *Miranda* rights before each interview and agreed to waive them both times.

During the first interview, Defendant Alazo stated he was born in Cuba and served in the Cuban army. He said he migrated to Mexico in 2003 and migrated to Texas claiming political asylum in 2007. Defendant Alazo stated he went to Cuba in 2014 and began to preach at a church. Defendant Alazo stated while preaching at his church, he began to receive threats from Cuban organized crime organizations.

Defendant Alazo stated he was living out of his car for the past nine months because he did not want the Cuban organized criminals to harm his family. Defendant Alazo stated he would park his vehicle at different rest stops and parking lots in various states due to his belief that Cuban criminal organizations were after him.

Defendant Alazo stated he was previously evaluated at a psychiatric hospital. Defendant Alazo stated that his wife is a traveling mental health nurse and told him to seek help because he was hearing voices in his head. Defendant Alazo stated he was prescribed an antipsychotic medication in March 2020 after an evaluation at a psychiatric hospital, but that he was not completely compliant with his medication.

Defendant Alazo stated he had a Glock 19 which he bought in Texas and traded it for an AK-47 about a month ago in Loudoun County, Virginia. Defendant Alazo stated he traded the Glock 19 for the AK-47 because he wanted better protection for his family. Defendant Alazo also stated that was the only firearm he owned and had access to.

Defendant Alazo stated he drove to Washington, D.C. on the night of April 29, 2020, because he wanted to get them before they got him, referring to the Cuban government, for the constant threats from the Cuban criminal organization. Defendant Alazo stated he arrived at the Embassy, began to yell at it, and tried, but failed, to light a Cuban flag on fire. Defendant Alazo then grabbed an American flag and yelled towards the Cuban Embassy that he was a Yankee.

Defendant Alazo stated that he then proceeded to grab his AK-47 from his vehicle and shoot towards the Cuban embassy.

During the second interview, Defendant Alazo provided information consistent with what he stated during the initial interview. He said that he had heard voices that told him to protect his family; the last time he heard the voices being two days prior. He was not sure if he heard the voices the day he drove to the Embassy. He had been living in his car for nine months rather than with his wife and children due to his fears of the Cuban organized crime members. He came to the Embassy to confront his perceived enemies, those affiliated with Cuban organized crime.

Defendant Alazo explained that he first drove by the Embassy, but then, 10-15 minutes later, came back. He got the Cuban flag out of his car, which he had previously written on and soaked with gasoline, tried to burn it, but could not due to the rain, and threw it to the sidewalk. He then yelled and screamed at the Embassy, saying “Shoot me if you want to shoot me!” “I’m here!” “I’m American!” “I’m Yankee!” He believed people might be inside. He expected someone to come out of the Embassy with a gun and that he had to get them before they could get him. No one came out, so he started shooting. He thought he fired 20 or 30 shots and was shooting at the building without aiming at anything in particular. He then threw the gun towards the Embassy. He called these people, ostensibly referring to Cuban organized crime members, as the “worst enemy” he had. He thought they were “evil.”

When asked what he would have done if the Ambassador or someone else had come out of the building, Defendant Alazo said that he would have shot him because he was his “enemy.” He admitted to knowing this would be illegal, but said that if he did not shoot first, he would have been shot.

Additionally, he said that during the night approximately two weeks prior, he had driven

back and forth from Pennsylvania to the street the Embassy is on to check the route (while armed with his AK-47-style firearm) and noted the Embassy as the building with the Cuban flag. He had only been to the Embassy once before, years earlier, when he drove his mother and wife to the building for his mother to attend to some documents she needed. He also provided as background that after his best friend since elementary school was killed in Canada in 2016, that was when he believed the Cuban criminal organization started going after him. Defendant Alazo told the agents that he began to hear those voices in his head after his friend was killed.

Defendant Alazo had voluntarily and at his wife's urging sought mental health services in late February or early March 2020, but denied having a mental illness. He said that the hospital did not give him a particular diagnosis. He left the hospital early because he "wasn't that crazy." He admitted to missing medication doses occasionally.

Near the conclusion of the interview, Defendant Alazo indicated that he regretted what he did and wished he had not come to the Embassy and started shooting. But then moments later, he reiterated that he "hates the Cubans" and needs protection for his family.

d. Interview of Defendant Alazo's Wife

Much of Defendant Alazo's account was corroborated by his wife, who was interviewed by U.S. Secret Service on April 30, 2020.

Defendant Alazo's wife stated she has been married to Defendant Alazo since 2011. She stated their most recent permanent address is in Middletown, Pennsylvania, where they live with Defendant Alazo's mother and their two young children. They have lived in several cities and states in the United States in the past 10+ years, and have been in and out of homelessness, living out of their vehicle at times.

Defendant Alazo's wife is currently a travelling nurse. She works in a psychiatric unit in

a hospital. She stated her husband was admitted to a psychiatric hospital in March 2020, where he received a diagnosis of a delusional disorder, and was prescribed medication. He was discharged six days later.

Defendant Alazo's wife stated, among other things, that Defendant Alazo believed the Cuban government would hire an organized team of assassins to kill him. He felt he was constantly being followed and was in fear that "several large black men with tattoos will come and kill him in front of his family." Notably, according to Defendant Alazo's wife, Defendant Alazo had visited many U.S. government agencies to inform them of the wrongdoings the Cuban government was engaged in, namely following him to eventually assassinate him. She stated Defendant Alazo traveled to Germany in 2018, where he stayed for approximately one month before continuing to travel to other countries in order to avoid being caught by those he believed were following him.

Defendant Alazo's wife said she had not ever seen her husband talking to himself or exhibiting additional signs of mental illness, only the delusions. She said the family would live out of hotels because Defendant Alazo would be too paranoid to live at their home. There would be times they paid for a hotel and left before staying a single night. She said to cope with his paranoia and the voices he heard in his head, Defendant Alazo would drive at night and sometimes sleep for a couple hours during the day. He told her that he "felt like a prisoner in [his] own home."

Defendant Alazo's wife stated she would give him his medicine by crushing the tablets and mixing them into a drink or food she had prepared for him. She said she had given him his medication most of the days since he had been prescribed, including up to the night before the incident.

Defendant Alazo's wife stated that he had been in possession of a Glock 17 pistol which he carried on a Texas Concealed Carry Permit for the last four or five years. After he procured the

rifle, she stated he always had it with him as protection. She stated she was unaware that he had driven to the Embassy of Cuba a couple days before the incident.

III. ARGUMENT

In light of the conduct in this case, Defendant Alazo's continued danger to the community, risk of flight, and the penalties he faces for his offenses, pretrial detention is necessary to ensure both the safety of the community and that Defendant Alazo does not flee to evade prosecution.

a. The nature and circumstances of the offense

The nature and circumstances of the offense weigh in favor of detention. In short, Defendant Alazo drove from Pennsylvania to Washington, D.C. with the express purpose of going to the Embassy of Cuba to confront his "enemy." Had he seen anyone come out of the Embassy, he, by his own admission, would have shot him or her. It is incredibly fortunate that no one did exit the Embassy during Defendant Alazo's torrent of violence in unloading more than thirty rifle shots at the front of the building, shots powerful enough to leave visible holes and damage to the façade and structures, both outside and inside. Indeed, it is incredibly fortunate that those inside the building were not hit by those bullets that penetrated into the building.

b. The weight of the evidence against the defendant

The weight of the evidence against Defendant Alazo is overwhelming and incontrovertible. The offense was captured on surveillance video. On scene, Defendant Alazo identified the firearm and gasoline-soaked flag as his. When interviewed, twice, he both times admitted his culpability. There can be no doubt as to Defendant Alazo's guilt; therefore, the weight of the evidence favors detention. Moreover, "Where the weight of evidence of guilt is strong, it provides a defendant additional incentive to flee." *United States v. Lorenzana-Cordon*, No. CR 03-331-13 (CKK), 2015 WL 5011445, at *3 (D.D.C. Aug. 24, 2015).

c. The history and characteristics of the defendant

The history and characteristics of Defendant Alazo also weigh in favor of detention. He has no stable residence. By his own admission, he has been living in his car and traveling from state to state due to his fears of assault by Cuban organized crime-affiliated individuals for years. He has lived all over the United States and in other countries and even abroad, moved around to evade his imagined enemies. In addition to having no stable residence, he is not gainfully employed. Defendant Alazo has no identifiable ties to Washington, D.C. These factors all render him a risk of flight, especially in light of the 10-year maximum sentence Defendant Alazo faces on two of the charges in the Complaint.

Most significantly, though, Defendant Alazo's criminal conduct in this case illustrates his unstable mental health, as evidenced by his own statements about the voices that he hears and his failure to comply with his mental health medication regime, and strongly weighs against his release.

To be clear, the government is not seeking pretrial detention because Defendant Alazo suffers from mental health illness. *But the fact that Defendant Alazo suffers from auditory hallucinations that he acted upon by deliberately driving over 100 miles for multiple hours with a loaded semi-automatic rifle with the express purpose of confronting Cuban officials at the Embassy demonstrates his dangerousness.* His actions show advance planning, evidenced by his having taken a prior trip to the Embassy to check the route in the weeks leading up to the attack, as well as incredible dedication and commitment to hurt others. Indeed, by Defendant Alazo's own admission, he would have shot anyone who emerged from the Embassy, including the Ambassador. While he regretted his conduct, he still views Cubans as his enemy. He hates them. This dedication to and motivation towards harming Cuban officials also brings into question

whether Defendant Alazo will abide by court orders, whether they be to stay away from the Embassy of Cuba, to not commit any other crimes, or to return to court. And while the government expects that the defense will argue that Defendant Alazo's wife will be able to ensure Defendant Alazo's compliance with his antipsychotic medication regime and ensure that he does not act on his paranoia again, sadly, her attempts to do so before the offense were unsuccessful. Therefore, the risk of his continued failure to not act in compliance with his treatment or act out against his supposed antagonists is, in the government's estimation, too high to permit release. That is true even assuming that Defendant Alazo would not act dangerously even if in compliance with his medication. Indeed, because Defendant Alazo sleeps in his car for his family's supposed safety, there is no real way for them to keep him from committing additional crimes. And the fact that Defendant Alazo does have a wife and young children does not weigh in favor of release in light of his apparent access to firearms and exhibited unstable and violent conduct.

d. The nature and seriousness of the danger to any person or the community posed by the person's release

The fourth factor—the nature and seriousness of the danger to any person or the community posed by the person's release—also weighs in favor of detention. Defendant Alazo has apparently believed for years that Cuban forces are a danger to him and his family and has acted accordingly by moving frequently to evade them. Those fears have now reached a new level, such that Defendant Alazo seeks to “get them” before they can “get him.” This shows that Defendant Alazo poses an ongoing risk that no level of community supervision can sufficiently mitigate.

Further, the target of Defendant Alazo's aggression is not random. He poses a specific danger to the officials of Cuba. Indeed, the Cuban Ambassador has referred to Defendant Alazo's conduct as a “terrorist attack.” *See* “ONLY ON AP Cuban ambassador on US embassy attack”

<https://www.msn.com/en-us/video/news/only-on-ap-cuban-ambassador-on-us-embassy-attack/vp-BB13uBad>) (last visited May 2, 2020).

Given Defendant Alazo's behavior, he has demonstrated that he poses a serious risk to the safety of the community. Thus, this factor also weighs in favor of detention.

IV. CONCLUSION

For the reasons noted above, the government respectfully submits that clear and convincing evidence establishes that there are no conditions or combinations of conditions that will reasonably assure the safety of any other person and the community. The government also submits that a preponderance of the evidence establishes that Defendant Alazo is a serious risk of flight and no conditions or combinations of conditions will assure his appearance in Court. Accordingly, the government respectfully requests that the Court grant the government's motion to detain Defendant Alazo pending trial in this case.

Respectfully submitted,

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