

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

UNITED STATES OF AMERICA, :  
 :  
v. : CRIMINAL INDICTMENT NO.:  
 : 2:22-CR-00024-RWS-AWH  
LARRY STEVEN GROGAN :

**REPORT AND RECOMMENDATION OF  
INCOMPETENCY TO STAND TRIAL**

This case is before the Court for determination of Defendant's mental competency to stand trial pursuant to 18 U.S.C. § 4241 following a hearing on April 22, 2026 before the undersigned.

**Procedural And Factual Background**

An Indictment filed June 7, 2022 charges Defendant with second degree murder of a United States Postal Carrier, in violation of 18 U.S.C. § 1114 and 1111 (Count One); discharge of a firearm during a crime of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A), 924(c)(1)(A)(iii), and 924(j) (Count Two); assault on a federal employee, in violation of 18 U.S.C. §§ 111(a) and (b) (Count Three); discharge of a firearm during a crime of violence in violation of 18 U.S.C. §§ 924(c)(1)(A), 924(c)(1)(A)(iii), and 924(j) (Count Four); and possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Doc. 1. On June 9, 2022, the Court issued a writ of habeas corpus ad prosequendum that ordered the U.S. Marshal to bring Defendant, who was then in

state custody at the Gwinnett County Jail, to federal court for his arraignment and trial, to return him to state custody only when discharged by the Court. Doc. 4. Defendant was arraigned on June 22, 2022, and the Government moved for detention, Doc. 10. That motion remains pending because Defendant is ineligible for bond as long as he is in federal custody on the writ of habeas corpus ad prosequendum. By Orders entered October 13, 2022 and May 30, 2023, the Court directed that Dr. Julie Rand Dorney be allowed into the Robert A. Deyton Detention Center (“RAD”), where Defendant was held, for the purpose of conducting a psychological evaluation of Defendant. Docs. 16, 30 (sealed). The Court held a pretrial conference on June 27, 2023 to discuss concerns regarding Defendant’s competency to stand trial, and Defendant’s counsel stated that he was awaiting a report on the latest evaluation of Defendant. Doc. 31. On July 5, 2023, the Court ordered that upon receipt of Defendant’s competency evaluation report, counsel were to confer and submit an update to the Court “as to whether the defendant should be committed to the Bureau of Prisons for a competency evaluation or to have his competency restored.” Doc. 32.

On August 14, 2023, the Government moved for a psychiatric exam of Defendant to determine his competency to stand trial pursuant to 18 U.S.C. § 4241, Doc. 22. In that motion, the Government acknowledged that Defendant’s evaluator had issued a report in which the doctor opined that Defendant was not competent

to stand trial because he could not assist his counsel in preparing a defense due to his mental health issues, although he did understand the nature of his charges, the possible consequences, what it meant to plead guilty, not guilty, and not guilty by reason of insanity, plea bargaining, the roles of the defense counsel, the prosecutor, the judge, and the jury. Doc. 33 at 2. The Government therefore requested that the Court commit Defendant “to the custody of the Attorney General, so that he may be evaluated for his competency to stand trial.” Id. The Court granted that motion on August 15, 2023 and ordered that Defendant be committed to the custody of the Attorney General and that “a psychiatric or psychological examination be conducted of defendant at [a suitable] facility and a report prepared in accordance with 18 U.S.C. § 4247 to determine whether the defendant presently is suffering from a mental illness which renders him unable to comprehend the nature and consequences of the proceedings against him or reasonably assist in his defense.” Doc. 34.

In an evaluation report provided by a doctor with the Bureau of Prisons, see Doc. 40 (sealed), the doctor opined that Defendant “was not competent to proceed with trial, but that there was a substantial likelihood that he could be restored to competency through treatment.” Doc. 49 at 1. On December 21, 2023, the Court held a competency hearing at which Defendant testified, and the expert reports concerning his competency were admitted, see Docs. 47–48, 50–51 (sealed). The

Court noted that Defendant “testified at length regarding his difficulties resulting from suspected attacks on his mental and physical well-being using audio technology, microwaves, cell phone towers, and similar electronic and sonic devices,” which was “consistent with statements made by Mr. Grogan in connection with both expert reports produced in this matter[.]” Doc. 49 at 1–2. The Court found, “[a]fter consideration of the expert reports and the hearing testimony, pursuant to 18 U.S.C. § 4241(d), . . . by a preponderance of the evidence that Grogan is presently incompetent to proceed with trial.” Id. at 2. The Court ordered that Defendant be committed to the custody of the Attorney General for treatment in a suitable facility “as is necessary to determine whether there is a substantial probability that in the foreseeable future the Defendant will attain the capacity to permit the proceedings to go forward.” Id. (citing 18 U.S.C. § 4241(d)).

In October 2024, the Bureau of Prisons provided a Certificate of Restoration Of Competency To Stand Trial with attached Forensic Evaluation completed by Dr. Megan Marks, a Forensic Psychologist at the Federal Medical Center in Butner, North Carolina (“FMC Butner”). Doc. 64 (sealed). Defendant requested a continuance of the competency hearing, Doc. 65, which the Court granted until December 17, 2024, Doc. 67. The Court also issued an order allowing Dr. Julie Dorney into RAD to conduct psychological evaluation and testing of Defendant. Doc. 68 (sealed). Based on Dr. Dorney’s report that Defendant was no longer

competent to stand trial, which the Government did not contest, the Court cancelled the competency hearing scheduled for December 17, 2024, found by a preponderance of the evidence that Defendant was incompetent to proceed with trial, and ordered Defendant to be committed to the custody of the Attorney General for treatment in a suitable facility to determine whether there was a substantial probability that in the foreseeable future the Defendant would attain the capacity to permit the proceedings to go forward. Doc. 72. The Court extended the period of time for Defendant's evaluation and treatment to continue, Doc. 83.

In December 2025, the Bureau of Prisons submitted the December 9, 2025 Forensic Evaluation report of Dr. Marks, who opined that Defendant "is currently suffering from a mental disease or defect, namely schizophrenia, which renders him not competent to stand trial," and it is her opinion "that there is not a substantial probability his competency can be restored in the foreseeable future, given his delusions are refractory to treatment." Doc. 88 at 14 (sealed). Dr. Marks described Defendant's ongoing delusions, similar to those described in the Court's December 21, 2023 Order, Doc. 49 at 1–2, i.e., that he was a target of microwave and other electronic weapons and harassment by law enforcement, and he repeatedly expressed his belief that his defense team was hiring an expert to testify that he had been microwaved by law enforcement, and that his "delusional beliefs remain fixed, despite psychiatric medication compliance" Doc. 88 at 8–10 (sealed).

The undersigned held a competency hearing under § 4241 on April 22, 2026, which the Government's counsel, Defendant's counsel, and Defendant attended via videoconference. The parties stipulated to the admission of Dr. Marks's December 2025 report, and the Government does not contest Dr. Marks's opinion that Plaintiff is currently suffering from a mental disease or defect which renders him not competent to stand trial, and that there is not a substantial probability his competency can be restored in the foreseeable future, given his delusions are refractory to treatment. Defendant's attorney did not disagree with or rebut Dr. Marks's report or the Government's position with a competing expert, but he instead presented Defendant's testimony. Defendant testified that he is concerned about being declared incompetent to stand trial because he wants to go to trial and present evidence that he has been attacked by "directed energy weapons" by law enforcement for several years.

### **Discussion**

18 U.S.C. § 4241 authorizes the Court to hold a hearing conducted pursuant to 18 U.S.C. § 4247(d) to determine the mental competency of the defendant to stand trial "if 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)

and (c). The Court may order a psychiatric or psychological examination of the defendant be conducted prior to the hearing and that the report be filed with the court pursuant to 18 U.S.C. § 4247(b) and (c). 18 U.S.C. § 4241(b). “If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently 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, the court shall commit the defendant to the custody of the Attorney General,” who “shall hospitalize the defendant for treatment in a suitable facility . . . to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.” 18 U.S.C. § 4241(d)(1). “If, at the end of the time period specified, it is determined that the defendant’s mental condition has not so improved as to permit the proceedings to go forward, the defendant is subject to the provisions of sections 4246 and 4248.”<sup>1</sup> 18 U.S.C. § 4241(d).

Section 4246(a) provides:

If the director of a facility in which a person is hospitalized certifies that a person . . . who has been committed to the custody of the Attorney General pursuant to section 4241(d) . . . is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody

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<sup>1</sup> 18 U.S.C. § 4248 governs the civil commitment of a sexually dangerous person.

and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

18 U.S.C. § 4246(a).

The undersigned accepts Dr. Marks’s December 9, 2025 report and opinions, with which the Government concurs, and based on that report and Defendant’s testimony, the undersigned finds by a preponderance of the evidence that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense, see § 4241(d). Dr. Marks’s report indicates that Defendant “demonstrated an adequate understanding of court proceedings” and was able to accurately define his charges, possible penalties, roles of courtroom personnel, and general information required to make legal strategies.” Doc. 88 at 14 (sealed). But she further explained that Defendant’s persistent delusions prevent him from being able to assist properly in his defense, as the Government conceded at the hearing. Dr. Marks wrote, “[i]n terms of [Defendant’s] rational understanding of courtroom proceedings and ability to assist counsel in his defense, impairments due to mental



illness continue to be apparent. Specifically, Mr. Grogan has delusional beliefs regarding the events surrounding the alleged charges, and his legal strategy is not grounded in reality. Consistent with delusional thinking, [he] has not been receptive to reality-based feedback.” Id. Defendant’s testimony at the April 22, 2026 hearing concerning his desire to present evidence at trial of alleged “direct energy attacks” by law enforcement was consistent with his testimony at the December 21, 2023 competency hearing that contributed to the Court finding that Defendant was not competent to stand trial, see Doc. 49, and with the delusions noted in Dr. Marks’s December 2025 report, see Doc. 88 (sealed). Defendant’s hearing testimony demonstrates his inability to rationally understand and assist in his defense, as his delusions appear to form the basis for his “defense” and his reason for wanting to go to trial. Thus, to the extent that Defendant contends that he is competent to be tried, the undersigned does not give weight to that testimony. To the contrary, Defendant’s testimony supports the evaluator’s opinion as to his lack of competence to be tried.

The undersigned further finds that, based on Dr. Marks’s report, there is not a “substantial probability” that in the foreseeable future, Defendant will attain the capacity to permit the proceedings to go forward, i.e., that he will be restored to competency to stand trial, see § 4142(d). As the procedural history described above shows, Defendant’s competency has not been restored in spite of lengthy periods

of treatment and efforts to restore his competency. Dr. Marks explained that Defendant “continues to manifest impairments in his competency to stand trial abilities in the context of his psychiatric symptoms,” despite his “compliance with medication trials across three periods of restoration attempts, [in which] his delusional beliefs have not responded to treatment,” and she opined that “there is not a substantial probability his competency can be restored in the foreseeable future, given his delusions are refractory in nature.” Doc. 88 at 14 (sealed).<sup>2</sup>

Accordingly, the undersigned recommends that Defendant be found incompetent to stand trial, that there is not a substantial probability that his competency will be restored in the foreseeable future, and that the case proceed under the procedures of 18 U.S.C. § 4246.

### **Summary**

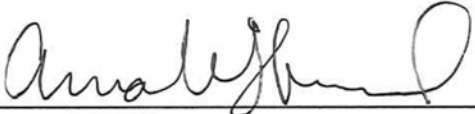
For the reasons discussed above, the undersigned **RECOMMENDS** that Defendant be found incompetent to stand trial and not restorable to competency within the foreseeable future and that Defendant be committed to the custody of

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<sup>2</sup> Dr. Marks explained that, with respect to her prior opinion that Defendant had been restored to competency, Defendant later admitted that he “had not been forthcoming at the time of his competency focused interview during his prior hospitalization at FMC Butner” because he wanted to be able to pursue his legal case and “proceed to trial in an attempt to show that his delusional beliefs were true.” During his prior hospitalization at FMC Butner, he had reviewed the YouTube videos he created, which “only strengthened his beliefs that he was ‘attacked by retaliation weapons’ and that he had ‘evidence to show that’s what’s happening.’ ” Doc. 88 at 2–3 (sealed).

the Attorney General for hospitalization at FMC Butler or another Federal Medical Center so that the Director of the facility can determine whether a formal certification should issue under 18 U.S.C. § 4246.

**IT IS SO REPORTED AND RECOMMENDED** this 24th day of April, 2026.



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Anna W. Howard  
United States Magistrate Judge