

[2020 DAUBTR LEXIS 67532](#)

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Expert Name: "Dr. Bhushan Shreeram Agharkar M.D., F.A.P.A.

Discipline: Addiction Psychiatry; Forensic Psychiatry; Psychiatry

Case Name: United States V. Sampson

Citation: [: 2017 U.S. Dist. LEXIS 12414](#)

Docket Number: 1:01-CR-10384

Area of Law: Constitutional Law

Jurisdiction: Federal

Court: United States District Court For The District Of Massachusetts

Counsel: Mark T. Quinlivan, Lead Attorney, United States Attorney's Office, Boston, Ma; Zachary R. Hafer, Dustin Chao, Lead Attorneys, United States Attorney's Office Ma, Boston, Ma; George W. Vien, Donnelly, Conroy & Gelhaar, LLP, Boston, Ma; Michael S. Warbel, U.S. Department Of Justice, Washington, Dc; Brenna M. Egan, Lead Attorney, Pro HAC Vice, Williams & Connolly LLP, Washington, Dc; Danalynn Recer, Lead Attorney, Pro HAC Vice, Attorney At Law, Houston, TX; Michael N. Burt, Lead Attorney, Pro HAC Vice, Law Office Of Michael Burt, San Francisco, CA; Miriam Conrad, Lead Attorney, Federal Public Defender Office, Boston, Ma; Peter G. Dickos, William E. McDaniels, Lead Attorneys, Pro HAC Vice, Williams & Connolly, LLP, Washington, Dc; Elizabeth L. Prevett, J. Martin Richey, Federal Public Defender Office, District Of Massachusetts, Boston, Ma; Jennifer G. Wicht, Pro HAC Vice, Williams & Connolly LLP, Washington, Dc; Matthew Rubenstein, Pro HAC Vice, Capital Resource Counsel Project, District Of Oregon, Portland, Or

Judges: Leo Theodore Sorokin

Disposition: Testimony not given weight.

Retained by: defendant

Case Summary: According to the decision dated January 30, 2017, it was stated that Sampson's current defense team raised no concerns about Sampson's competency as his second penalty phase trial approached. This was so, despite the fact that they possessed a brief, four-paragraph letter from defense-retained expert Dr. Bhushan S. Agharkar summarily stating that in early 2015 he believed Sampson was incompetent to stand trial based on an inability to rationally assist counsel. Doc. No. 2620. The Court views defense counsel's decision not to raise a competency issue with the Court at that time as an indication that they did not then share Dr. Agharkar's cursory opinion. Indeed, Sampson's experienced capital defense counsel, from their "unique vantage," proceeded with trial preparations and with weeks of jury selection before making a motion for a competency examination and their motion is specifically tied to an event that transpired during individual voir dire of a particular juror, and counsel's concerns about Sampson's ability to maintain the ability to assist his counsel they had worked to preserve at all times previous to that moment were specific to the stresses inherent in a capital penalty phase trial setting. It was further stated that The Court assigns no weight to Dr. Agharkar's letter opinion. The letter itself evidences it was not the result of a comprehensive competency assessment, nor does it set forth sufficient support for the conclusions Dr. Agharkar purports to have reached. Moreover, it presents a conclusion related to a period of time early 2015 that is eighteen months earlier than defense counsel asserts the issues they identified during jury selection finally rose to the level of a competency concern in their minds.

Ground(s) of Challenge: Others

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