

No. _____

In the Supreme Court of the United States

MUHAMMAD SAEED,

Petitioner,

v.

STATE OF ARIZONA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPERIOR COURT OF ARIZONA
PIMA COUNTY

PETITION FOR WRIT OF CERTIORARI

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OCTOBER MMXXVI

QUESTIONS PRESENTED

1. Whether the Double Jeopardy Clause of the Fifth Amendment permits a defendant to seek habeas relief postjudgment but presentence pursuant to 28 U. S. C. §2241 if the defendant can demonstrate a colorable claim that collateral estoppel principles of the Double Jeopardy Clause were violated during the defendant's trial.

2. Whether a judgment of conviction need not be entered, nor a sentence pronounced, where the conviction is void or voidable due to a violation of collateral estoppel principles of the Double Jeopardy Clause.

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PARTIES TO THE PROCEEDING

Petitioner, and defendant-appellant below is Muhammad Saeed.

Respondent, and plaintiff-appellee below is the State of Arizona.

RELATED PROCEEDINGS

Superior Court of Arizona. County of Pima:

State of Arizona v. Muhammad Saeed, No. CR20235154–001 (Mar. 21, 2025) (jury verdicts of acquittal and mistrial ordered)

State of Arizona v. Muhammad Saeed, No. CR20235154–001 (Jun. 19, 2025) (jury verdicts of guilty on the remaining counts)

State of Arizona v. Muhammad Saeed, No. CR20235154–001 (Sep. 11, 2025) (motion to vacate denied)

State of Arizona v. Muhammad Saeed, No. CR20235154–001 (Oct. 13, 2025) (amended motion to vacate denied)

Court of Appeals of Arizona (Div. 2):

State of Arizona v. Muhammad Saeed, No. 2 CA–CR 2025–0161 (Dec. 31, 2025) (appeal dismissed for lack of jurisdiction)

Supreme Court of Arizona:

State of Arizona v. Muhammad Saeed, No. CR–26–0011–PR (May 7, 2026) (discretionary review denied)

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PETITION FOR WRIT OF CERTIORARI

Petitioner Muhammad Saeed respectfully petitions this Court for a writ of certiorari to review the judgment of the Superior Court of Arizona in and for the County of Pima, the highest court of the State in which a decision could be had, following the decision by the Arizona Court of Appeals declining to accept jurisdiction and the Supreme Court of Arizona denying review.

OPINIONS BELOW

The Supreme Court of Arizona's order denying the petition for review is reproduced in the Appendix at App. 3–4. The Court of Appeals of Arizona, Division Two's order of December 31, 2025 is reproduced in the Appendix at App. 1–2. The Superior Court of Arizona, Pima County's order denying the amended motion to vacate is reproduced in the Appendix at App. 11–17.

JURISDICTION

The Superior Court of Arizona, Pima County's judgment where review is sought was entered on October 13, 2025. The Court of Appeals of Arizona declined review and entered judgment on December 31, 2025. The Supreme Court of Arizona denied discretionary review on May 7, 2026. This Court has jurisdiction under 28 U. S. C. §1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

Verbatim quotations of the relevant portions of the Fifth and Fourteenth Amendments to the United

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States Constitution are reproduced in the Appendix at App. 51.

STATEMENT OF THE CASE**I. The Underlying Facts Demonstrate a Colorable Double Jeopardy Collateral Estoppel Issue**

During the relevant period, Muhammad Saeed was a medical doctor trained and board-certified in internal medicine and psychiatry. Dr. Saeed¹ treated adult patients in a solo private practice called MedPsych Physicians of Arizona, LLC. On December 12, 2023, Dr. Saeed was indicted on seventy-six counts, which included charges for obtaining or procuring the administration of a dangerous/narcotic drug by fraud, deceit, misrepresentation, or subterfuge (the Prescription Counts); fraudulent schemes and artifices, to wit: touching and/or massage, pursuant to A. R. S. §13–2310; sexual assault, pursuant to A. R. S. §13–1406; and sexual abuse, pursuant to A. R. S. §13–1404(A).

The felony charges of “obtaining or procuring the administration of a dangerous/narcotic drug by fraud, deceit, misrepresentation or subterfuge” are based upon A. R. S. §13–3407(A)(6) (the state statute for “dangerous” drugs) and A. R. S. §13–3408(A)(6) (the state statute for “narcotic” drugs). The statutory list of dangerous and narcotic drugs is included within A. R. S. §§13–3401(6), (20).

¹ For brevity, and to remain consistent with the underlying record, petitioner is respectfully referred to as “Dr. Saeed” herein. However, Dr. Saeed is not a practicing medical doctor currently.

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A ten-day jury trial began March 10, 2025 (the First Trial). With respect to the Prescription Counts, Dr. Saeed was tried concerning the prescriptions he prescribed to V. G., which included clonazepam, lorazepam, phentermine, dextroamphetamine-amphetamine, and Fioricet; alprazolam and dextroamphetamine-amphetamine with respect to C. P.; lorazepam, dextroamphetamine-amphetamine, carisoprodol, clonazepam, and tramadol with respect to K. D.; carisoprodol, lorazepam, oxycodone, zolpidem, and alprazolam with respect to E. G.; and lorazepam, alprazolam, lisdexamphetamine, and clonazepam with respect to L. V.²

The patients did not typically receive all of the above prescriptions simultaneously; however, they would often be given some combination. With respect to the Prescription Counts, the State's theory provided that Dr. Saeed overprescribed or misprescribed medications either by giving patients medications in excessive quantities, in toxic combinations, or without a valid underlying medical basis. The State strongly implied that the combination of prescriptions caused toxicity, sedation, or drug dependency in the patients and that patients returned to his practice to obtain additional prescription orders and would receive abusive treatment upon return.

Dr. Saeed argued that he did not prescribe medications beyond therapeutic limits or in harmful combinations, and that, as a dual-board-certified physician

² Some of the originally indicted counts were dismissed, and therefore the remaining indicted counts were renumbered prior to the jury's deliberations.

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in internal medicine and psychiatry, he was qualified to assess both mental health concerns and physical concerns, and that any physical examination performed did not exceed normal medical parameters. For example, Dr. Saeed could analyze whether chronic physical complaints were the root cause of a patient's depression. For his part, Dr. Saeed challenged the nature of the accusations of sexual misconduct and questioned at trial whether other motivations, outside friendships between several of the patients, and other surrounding factors may have prompted the allegations. No treating physician who treated any patient testified at trial.

During the First Trial, the State elicited testimony from two expert physicians, Dr. Stephen Borowsky and Dr. Monica Faria. Neither physician received residency training in internal medicine or obtained any board certification in internal medicine. However, both Dr. Borowsky (a retired anesthesiologist) and Dr. Faria (a practicing psychiatrist) indicated professional experience in addiction and pain medicine.

During the First Trial, V. G. testified that she became addicted to her prescriptions. See App. 209. Similar testimony was provided by L. V. ("I ended up getting addicted to the Xanax he was prescribing me," App. 210) and E. G. ("Q: Do you believe that you were addicted to the medicine? A: Yes. Definitely. Yeah, yeah. Like I had to go to detox at some point," App. 211). Their testimony was bolstered by Dr. Faria, who opined that Dr. Saeed's prescription regimens were toxic in dose or combination and led to sedated patients.

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For example, with respect to K. D., Dr. Faria opined that the prescription combination authorized was “indiscriminately and dangerously” prescribed. App. 213. When asked about patient E. G.’s prescriptions, Dr. Faria opined that those prescriptions created a sedative effect: “Q: Are there concerns with the interactions between the Soma, the dextroamphetamine and lorazepam and the oxycodone?” App. 214. Dr. Faria responded, “Yes. . . . [M]ore sedation that she was experiencing.” *Ibid.* (ellipsis and alteration added). Dr. Faria was also asked, “What is your opinion of that prescription [for lorazepam]?” *Id.*, at 215. Dr. Faria responded, “It was appalling that he had prescribed her that, given the circumstances and the medications she was already receiving from him.” *Ibid.*

Concerning V. G.’s prescription treatment, Dr. Faria was asked about a change Dr. Saeed had made to V. G.’s prescription regimen. The following testimony was given:

“STATE: And did he switch her benzodiazepine medication at that time?

“DR. FARIA: Yes. He switched her from that clonazepam to lorazepam.

“STATE: Is this significant to you?

“DR. FARIA: Yes, because I don’t know why he did that. Generally we don’t combine those. Once you’re on one type of medication like a benzodiazepine, you stay on that type of benzodiazepine.

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“ . . . STATE: [A]re there potential drug interactions between benzodiazepine [and cyclobenzaprine]?”

“DR. FARIA: Yeah. It can be very sedating for people.” App. 216.

In another example concerning a prescription for tramadol, the following testimony was elicited:

“STATE: There’s been some questions that the tramadol is like the lowest potent opioid there is maybe.

“DR. FARIA: Yes.

“STATE: I’m paraphrasing. The jury can refer to their own recollection. Does that sound true to you?

“DR. FARIA: It’s—it has less addictive potential and, yes, less potent opioid agonist properties.

“STATE: Does that make you any less concerned about the combination of the drugs Dr. Saeed previously prescribed?

“DR. FARIA: Not overall. The global mixture of medications he’s giving her, no.” App. 217.

The above are a few of many such examples. Dr. Saeed contested the Prescription Count allegations with medical reference sources and his own patient records. Regarding the Prescription Counts, the evidence also indicated that all of Dr. Saeed’s prescription orders were sent to pharmacies (as opposed to being administered to patients in-office). The evidence

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demonstrated that patients picked up their prescriptions from their respective pharmacy.³

With respect to the Prescription Counts, during closing argument at the conclusion of the First Trial, the State argued the following:

“And [Dr. Faria’s report is] important because it talks about all the different ways in which Dr. Saeed’s prescription practice was a fraud, all the different ways as to these patients that he’s not practicing medicine . . . We have patients going to see him for panic, anxiety, and ADHD and are immediately prescribed Benzodiazepines and stimulants. Dr. Saeed is aware that this is a dangerous combination and unnecessary. All right? That dangerous combination is not me arguing. That’s your doctor in the court that talked about dangerous combinations, regardless of whether a single prescription drug is within the therapeutic limit that’s prescribed.

“That’s not what this case is about. This case is about repeatedly prescribing Benzodiazepines on multiple counts, as well as Ambien, sleep aids, as well as stimulants. *It’s such a combination that it’s dangerous to the patients. And it’s not justified by anything that was prescribed by Dr. Saeed.*

³ Under Arizona law, pharmacies verify prescription orders for appropriate dose limits, recognize possible adverse drug interactions, and identify unusual quantities of dangerous or narcotic drugs as part of their independent function. See, e. g., Ariz. Admin. Code §R4-23-402(A)(5)–(6),(11),(14),(E). The local pharmacies’ decision to fill Dr. Saeed’s prescription orders was viewed as a defense at trial.

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His patients are not acute. They're not in danger of harming themselves or others. There's no reason they should be seen every other week and prescribed a prescription at every single appointment, despite every single one of them describing they're not even filling their prescriptions as he's prescribed them because they think it's too much. . . . *And all of them talk about the consequences as they existed, just based off the prescriptions that he provided that they weren't following to the full extent. Every single one of them talked about being addicted to these drugs, talked about the process of trying to get off of these drugs, the Xanax in particular. Dr. Faria described indiscriminate prescribing practice. Dangerous combination of drugs. This is not medicine. This is fraud. And you know these drugs are addictive and you create addiction when you're prescribing them at every appointment in increasing doses and your patients know they have to come back to get their doses. They know they have to get a physical exam in order to get those prescriptions. We're not talking about medicine anymore. We're talking about fraud[.]'* App. 218–219 (ellipses and emphasis added).

At the conclusion of the First Trial, the jury rendered verdicts of not guilty on all twenty-one of the Prescription Counts that had been tried. App. 30–34. Judgments of acquittal were entered on those counts. The jury was hung on all remaining counts concerning fraudulent schemes and artifices, to wit: touching and/or massage; sexual abuse; and sexual assault.

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In considering the State’s argument, the jury impliedly rejected the State’s argument that Dr. Saeed was prescribing in a manner to create drug-dependent patients such that those patients could not have consented to any type of medical care.

During a pretrial conference on April 2, 2025, the State announced it would try the case again. The extent of a double jeopardy issue had not fully ripened pretrial, given that the Prescription Counts (“obtaining or procuring the administration of a dangerous/narcotic drug by fraud, deceit, misrepresentation, or subterfuge”) were no longer a part of the remaining indicted counts. Dr. Saeed had no reason to anticipate that the State would argue the same again. However, as the second trial drew nearer, Dr. Saeed grew concerned that the State might attempt to use much of the same evidence and arguments that were used within the First Trial in the Second.

As such, on June 4, 2025, Dr. Saeed filed a Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers. Within that motion, Dr. Saeed argued in part that the State should be precluded from arguing or eliciting testimony that Dr. Saeed’s course of prescription treatment was harmful, given that Dr. Saeed was found not guilty of allegations of misprescription practice. App. 87.

The trial court denied the motion upon timeliness grounds.⁴ The second trial commenced on June 9,

⁴ Under Rule 16.1(b), Ariz. R. Crim. P., a pretrial motion shall be brought no later than twenty days prior to trial. The transcripts from the First Trial were received between May 5–8, 2025.

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2025 (the Second Trial). In an effort to preserve the record, Dr. Saeed caused a “*Renewed Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers*” to be filed on June 9, 2025, prior to the start of trial (the Renewed Motion). Within the Renewed Motion, Dr. Saeed similarly argued:

“Dr. Saeed respectfully asserts that all of the felony drug counts were adjudged to be not guilty during the first trial. The charges used to support those counts related to ‘obtaining or procuring a dangerous/narcotic drug by fraud, etc.’ Dr. Saeed has always been uncertain (and previously argued) that that type of charge could not support the allegations made of mis-prescription practice. It was the understanding of the defense, however, that the allegations were (prior to the first trial), that Dr. Saeed prescribed all of the drugs contained within the prior drug-counts wrongfully,

Between reviewing the transcripts and interviewing a couple of new trial witnesses, both parties were operating under a more limited timeframe before the Second Trial took place. The State filed an untimely Motion *in Limine* re: Attorney Stephen Weiss, and a Motion *in Limine* re: A. V., both filed on May 28, 2025, and less than twenty days before trial. The court granted the State’s Motion *in Limine* re: Attorney Stephen Weiss prior to trial. The court held oral argument on June 10, 2025—the second day of the Second Trial— regarding the State’s Motion *in Limine* re: A. V., and also held oral argument on Dr. Saeed’s Renewed Motion to Preclude Medical Conclusions, Treatment Plans, or Medical Decisions of Non-Testifying Subsequent Providers that date, and granted the State’s Motion *in Limine* re: A. V., but denied Dr. Saeed’s Renewed Motion as untimely.

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without basis, and/or to create ‘drug dependent’ patients. Under that theory, a jury found Dr. Saeed not guilty of all of those counts. It is not conceivable now how the State could present evidence about the patients becoming drug dependent, requiring and later purportedly receiving, substance abuse treatment where documents relating to that care have not been disclosed, where no treating provider is present to testify and be subject to cross-examination, and where a prior jury determined Dr. Saeed was not guilty surrounding his prescription practice pertaining to those prescriptions. The State, at a minimum, should be precluded from referencing the same drugs that were within the scope of the last trial, and [from] arguing that those drugs were purportedly used to create drug-dependent patients, since a prior jury found Dr. Saeed not guilty as to those drugs under the same argument.” App. 115.

The trial court heard oral argument concerning the Renewed Motion on the second day of the Second Trial and denied the Renewed Motion. See App. 227–228. There, the State argued:

“To the extent Defense counsel is arguing res judicata, facts can support multiple offenses. Here there are offenses that the State underlined regarding facts regarding obtaining or procuring the administration of a dangerous drug by fraud or narcotic drug by fraud can be the same facts that support the State’s allegation of fraud under the initial counts.

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“The obtaining or procuring was by fraud under those counts. Yes, the jury found those not guilty for whatever reason they did, but *that doesn’t mean the same facts regarding prescriptions here, effect on the victims here, that can also be admissible as to whether this jury should believe that Dr. Saeed was providing psychiatric care via fraud or not. That’s something they should be able to consider. I don’t think it’s precluded merely because those counts were dismissed.*” App. 227–228 (emphasis added).

It is Dr. Saeed’s contention that the allegations of touching a patient without medical justification and/or with sexual motivation involve physical contact, conduct which is distinct from any misprescription practice, and that ultimate issues concerning alleged prescription mispractice or malpractice were resolved pursuant to the First Trial verdicts.

Following the State’s argument, the trial court denied the Renewed Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers. During opening statements at the Second Trial, the State told the jury to expect expert opinion which would include the following:

“They’re going to talk about the different medications that these victims were prescribed. The victims themselves are going to describe to you why they agreed to these examinations, why these examinations were not consensual because they thought they were medical examinations and these are not medical examinations.

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They're going to talk about the effects the prescription drugs had on them.

"The doctors are going to describe prescription drugs, which is a combination of benzodiazepines and stimulants. Uppers, downers can create addiction. The victims will talk about how they believe they were addicted, dependent on this medication, therefore, agreeing to Dr. Saeed's physical exam." See App. 230.

During the Second Trial, V.G., E.G., and L.V. again testified that they became addicted to prescriptions. App. 232; App. 233; App. 235.

As had been done in the First Trial, during the Second Trial Dr. Faria discussed the specific prescription drugs that had been individually cited within each of the original Prescription Counts. For example, she testified once again regarding the tramadol prescription and its effects in combination with a benzodiazepine. See App. 236. Dr. Faria again opined about V.G.'s "switch" from clonazepam to lorazepam just as she had done before. See App. 237–238. The same testimony was provided regarding the combination of lorazepam, dextroamphetamine, and carisoprodol prescriptions E.G. received, and her opinion as to the sedating effects of that combination. See *ibid.* These are just a few examples and certainly more could be highlighted.

In light of the above, the State "ran the gantlet" against Dr. Saeed a second time. At the conclusion of the Second Trial, the jury found Dr. Saeed guilty on all remaining counts. This Court should determine

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whether constitutional collateral estoppel principles provided by the Double Jeopardy Clause were violated.

II. Procedural History Below

On January 14, 2024, Dr. Saeed purchased an out-bound plane ticket to a foreign country but had also purchased a return flight ticket the same date which was scheduled to have him back in the United States on January 30, 2024. On January 16, 2024, Dr. Saeed missed his arraignment hearing, and a warrant was issued. On January 17, 2024, Dr. Saeed emailed the prosecutor stating that he had left the United States due to a family emergency and also because he needed to sell family property in a foreign country in order to pay for his own defense. Dr. Saeed later moved to quash the warrant but was not successful. He has remained actively engaged in the case at all points.

In briefing later submitted by the State to the Arizona Court of Appeals, the State noted that if Dr. Saeed returns to the United States, he may still be given an opportunity to prove that his absence was involuntary. Therefore, the voluntary versus involuntary nature of absence remains an open issue. This Petition respectfully asks this Court to consider whether the nature of the double jeopardy issue described herein would require a sentencing in the first place.

On July 9, 2025, Dr. Saeed timely filed a Notice of Appeal pursuant to Rule 31, Ariz. R. Crim. P. App. 118–119. On September 8, 2025, Dr. Saeed timely filed a Motion to Vacate, Pursuant to Rule

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24.2(a)(1),(3), Ariz. R. Crim. P. (the Motion to Vacate). App. 120–149.

Under Arizona’s Rules of Criminal Procedure, Rule 24.2(a) states that a court “must vacate a judgment if it finds that: (1) the court did not have jurisdiction; (2) newly discovered material facts exist[;] or (3) the conviction was obtained in violation of the United States or Arizona constitutions.”

The word “judgment” is defined under Rule 26.1(b), Ariz. R. Crim. P., to mean “the court’s adjudication that the defendant is guilty or not guilty based on the jury’s or the court’s verdict, or the defendant’s plea.” Here, Dr. Saeed was adjudicated pursuant to a fully completed trial where, at the conclusion of the Second Trial, the jury found him guilty. Under the Arizona Rules of Criminal Procedure, a “judgment” is clearly distinct from a “sentence,” which is a term separately defined under Rule 26.1(c), Ariz. R. Crim. P.

The word “sentence,” under Rule 26.1(c), Ariz. R. Crim. P., is defined to mean “the court’s pronouncement of the penalty imposed on the defendant after a judgment of guilty.” See Rule 26.1(c), Ariz. R. Crim. P. (emphasis added). Thus, the definition of “sentence” indicates that the existence of a judgment becomes realized first and then the sentence follows. Once a defendant has been adjudicated guilty, the defendant has a judgment; the judgment is later “entered” at the time of sentencing; a sentence is pronounced, and the judgment plus sentence becomes a “final judgment.”

For purposes of Rule 24.2(a), Ariz. R. Crim. P., the plain language indicates that a defendant only needs “a judgment” plus at least one of the grounds provided

Petition for Writ of Certiorari

under that paragraph to seek relief. See Rule 24.2(a), Ariz. R. Crim. P. The Rule does not state that a court “must vacate a *final* judgment,” that a court “must vacate a judgment, after it has been entered . . . ,” nor does it state that a court “must vacate a judgment after a sentence has been pronounced.” Moreover, under Rule 31.2(a)(1), Ariz. R. Crim. P., a defendant may appeal a “judgment *or* sentence,” thereby further indicating that a judgment can be separately the subject of an appeal (emphasis added). Because Dr. Saeed had a fully adjudicated trial by virtue of a jury’s guilty verdict following the Second Trial, he had a “judgment” as defined under Rule 26.1(b), Ariz. R. Crim. P.

Rule 24.2(b), Ariz. R. Crim. P., provides the timeframes by which a party may bring a Motion to Vacate. Subsection (b) states that a party “must file a motion under this [R]ule no later than 60 days after the entry of judgment and sentence, or, if a notice of appeal has already been filed under Rule 31, no later than 15 days after the appellate clerk distributes a notice under Rule 31.9(e)[.]” (emphasis added).

Dr. Saeed took the second clause provided within Rule 24.2(b), Ariz. R. Crim. P., for purposes of bringing a timely Motion to Vacate: he first filed a timely notice of appeal pursuant to Rule 31, Ariz. R. Crim. P., then he filed the Motion to Vacate under Rule 24.2(a), Ariz. R. Crim. P., before the 15-day period following the appellate clerk’s distribution of notice had expired. See Rule 24.2(b), Ariz. R. Crim. P.

Within the Motion to Vacate, Dr. Saeed argued in part that the judgment following the Second Trial was obtained in violation of the United States or Arizona constitutions. Dr. Saeed argued that the collateral

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estoppel aspect of double jeopardy was violated given that the same theory, argument, and evidence concerning the Prescription Counts were used during the Second Trial despite the prior not guilty verdicts. See App. 126–129.

On September 11, 2025, the trial court declined to rule on the Motion to Vacate and entered an order directing Dr. Saeed to either “file something with [the trial court] on the issue of jurisdiction or seek leave of the Arizona Court of Appeals so [the trial court] may hear the motion if the appeal is not dismissed.”

Dr. Saeed filed an Amended Motion to Vacate on September 12, 2025.⁵ On September 18, 2025, Dr. Saeed filed an Amended Notice of Appeal to include reference to the filed Motion to Vacate. App. 171–172. The Amended Notice of Appeal was filed pursuant to A.R.S. §13–4033(A)(3); Rule 31.2(h), Ariz. R. Crim. P.; Rule 24.2(c),(d), Ariz. R. Crim. P.; and Rule 31.1(a)(2),(c)(3),(6)–(7), Ariz. R. Crim. P. The Amended Notice of Appeal incorporated “all issues and related matters addressed or considered by and within” the Motion to Vacate, which included the double jeopardy issue.

Dr. Saeed is not seeking to complete a traditional direct appeal of his case, which is separately available

⁵ The Amended Motion to Vacate was filed on the morning of September 12, 2025, and was amended to fit within the standard number of pages for a criminal motion in light of the denial to extend the page limit. The Amended Motion was filed before a copy of the trial court’s September 11, 2025, order was transmitted to counsel’s office. Given the timing of the filing, the Amended Motion to Vacate did not include a jurisdictional statement.

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to Arizona defendants under A. R. S. §13–4033(A)(1). Generally, direct appeals may include more extensive arguments concerning trial and pretrial issues, for example, issues regarding jury instructions and verdict forms, sufficiency of evidence, and other concerns.

Instead, Dr. Saeed only sought appellate review of the Motion to Vacate, brought pursuant to Rule 24.2(a), Ariz. R. Crim. P., the arguments raised within that Motion as they relate to Arizona and United States constitutional issues, and a review of the trial court order denying the Motion to Vacate. Arizona maintains appellate jurisdiction to review a trial court order denying a Motion to Vacate, on bases distinct from a direct appeal. See, *e.g.*, Rule 31.2(a)(2)(B), Ariz. R. Crim. P. (“A notice of appeal from a judgment or order other than (A) [a notice of appeal from a judgment of conviction and imposition of sentence] must be filed no later than 20 days after entry of the judgment or order”); Rule 31.2(h), Ariz. R. Crim. P. (“If the superior court enters an order granting or denying relief under Rule 24 after a notice of appeal or cross-appeal has been filed, *a party seeking review of the order* must file an amended notice no later than 20 days after entry of the order” (emphasis added)); Rule 24.2(d), Ariz. R. Crim. P. (“In noncapital cases, *the party appealing a final decision on the motion must file a notice of appeal* with the trial court clerk no later than 20 days after entry of the decision for a superior court case[.]” (emphasis added)); A. R. S. §13–4033(A)(3) (an appeal may be taken from “an order made after judgment affecting the substantial rights of the party”).

Despite the trial court’s initial reservations against ruling on the Motion to Vacate, the Arizona Court of

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Appeals *sua sponte* ordered the trial court to enter a ruling on the merits of the Motion. See App. 9. In an Order dated September 23, 2025, the Arizona Court of Appeals directed that Dr. Saeed’s appeal would be “revested in the trial court, to and including November 3, 2025, for the limited purpose of ruling on pending motions and matter in Pima County Superior Court.” *Ibid.*

On September 25, 2025, Dr. Saeed filed a Reply to the Amended Motion to Vacate on the trial court docket. App. 189–199. On October 3, 2025, Dr. Saeed filed an authorized Supplemental Reply to the Motion to Vacate on the trial court docket.

On October 13, 2025, the trial court issued a ruling on the merits and denied the Motion to Vacate. App. 11–17. The substance of the court’s ruling regarding the double jeopardy issue included:

“Saeed cites testimony regarding his prescription practices in the second trial that he claims was barred. But the testimony was distinct and supported the state’s theory for fraudulent schemes and artifices claim, which was generally that Saeed obtained sexual benefit through a scheme that involved prescribing multiple medications that conflicted with one another to have patients return and consent to unwanted sexual abuse and create dependency. A scheme to prescribe a combination of medications to create dependency and obtain a sexual benefit is not ‘precisely the same’ issue as prescribing one medication through fraud, deceit, misrepresentation or subterfuge. It similarly is not ‘precisely the same’

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issue as prescribing a combination of medications to create a dependency so Saeed could sexually assault victims as the State argued. And jurors in the first trial did not render a verdict on these issues. The mere fact that some evidence regarding Saeed’s prescription practices was relevant to all claims does not mean the state was barred from presenting it.” App. 13–14.

Following the trial court’s denial of the Motion to Vacate, Dr. Saeed timely filed a Second Amended Notice of Appeal which included reference to the trial court’s October 13, 2025, ruling. App. 200–205.

On November 5, 2025, the Arizona Court of Appeals entered an order dismissing the appeal, citing A. R. S. §13–4033(C) as the basis of dismissal. App. 7. However, by its own terms A. R. S. §13–4033(C) only applies to bar direct appeals under A. R. S. §13–4033(A)(1) or appeals from the denial of a motion for new trial under A. R. S. §13–4033(A)(2), but A. R. S. §13–4033(C) does *not* bar an appeal submitted pursuant to A. R. S. §13–4033(A)(3), Rule 24.2(d), Ariz. R. Crim. P., and Rule 31.2(h), Ariz. R. Crim. P., upon which Dr. Saeed’s appeal was squarely premised.

In light of this issue, on November 20, 2025, Dr. Saeed filed a Motion for Reconsideration before the Arizona Court of Appeals. Following that filing, the Court of Appeals ordered supplemental briefing from the parties concerning the basis of its own jurisdiction. Specifically, the Court of Appeals requested the parties to address:

“Does [the Court of Appeals] have jurisdiction over an appeal of the trial court’s denial of the

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Rule 24.2 motion, as an order made after judgment under A. R. S. §13–4033(A)(3), where the ruling occurred before sentencing, in light of *State ex rel. Adel v. Hannah*, 249 Ariz. 537, ¶ 18 (2020) (judgment and sentence must be entered before court can consider motion to vacate)?” App. 5.

Dr. Saeed timely submitted briefing responsive to the Court of Appeals’ jurisdictional question and argued that *State ex rel. Adel v. Hannah* was inapposite because the Supreme Court of Arizona in *Hannah* only interpreted the first clause provided within Rule 24.2(b), Ariz. R. Crim. P., while overlooking the second half of that Rule. In any event, Dr. Saeed contended that Rule 24.2(b), Ariz. R. Crim. P., simply provides the outer limits for timeliness but that a defendant could submit briefing sooner than the expiration of the time limits provided within Rule 24.2(b), so long as a defendant met the applicable bases under Rule 24.2(a), Ariz. R. Crim. P. Dr. Saeed’s position was that he had a judgment as defined by Rule 26.1(b), Ariz. R. Crim. P., plus the existence of one or more grounds under Rule 24.2(a), which is all that Rule 24.2(a) requires. Because he timely filed his Motion to Vacate under Rule 24.2(a) before time expired under the second half of Rule 24.2(b), Ariz. R. Crim. P., the motion was procedurally sound.

Following a substantive ruling by the trial court which denied his Motion to Vacate, Dr. Saeed had properly pursued appellate relief upon Rule 31, *et seq.* (thereby including Rule 31.2(a)(2)(B)), 31.2(h), Ariz. R. Crim. P., Rule 24.2(d), Ariz. R. Crim. P., and

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A. R. S. §13–4033(A)(3) grounds and not as a direct appeal. See App. 200.

On December 31, 2025, the Court of Appeals denied the Motion for Reconsideration. App. 1. Dr. Saeed thereafter filed a Petition for Review to the Supreme Court of Arizona on January 15, 2026, and argued that *Hannah* should be revisited in light of the above plain-text analysis. On May 7, 2026, the Supreme Court of Arizona denied the Petition for Review without comment. App. 3. As such, the last review of the merits of Dr. Saeed’s double jeopardy issue was before the trial court, and all available appellate relief has been exhausted since.

Dr. Saeed seeks review of the judgment of the Superior Court in Pima County dated October 13, 2025, as to its analysis and ruling on the double jeopardy issue. See App. 11–17. The above summary is meant to demonstrate Dr. Saeed’s pursuit of relief concerning this issue. In light of the above, the judgment by the Arizona Superior Court in and for the County of Pima, entered on October 13, 2025, stands as the final substantive ruling concerning Fifth Amendment double jeopardy.

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REASONS FOR GRANTING THE WRIT**I. Pretrial Habeas Litigation and Direct Appeals Do Not Offer an Adequate Remedy for Defendants Whose Convictions Have Been Obtained in Violation of Constitutional Collateral Estoppel Principles During Trial**

The Double Jeopardy Clause of the Fifth Amendment is applicable to the States through the Due Process Clause of the Fourteenth Amendment. *Phillips v. Court of Common Pleas*, 668 F. 3d 804, 811 (CA6 2012) (citing *Benton v. Maryland*, 395 U.S. 784, 787 (1969)). The Double Jeopardy Clause “protects a defendant from repeated prosecutions for the same offense.” *Phillips*, 668 F. 3d, at 811.

In *Ashe*, this Court determined that principles of collateral estoppel apply to criminal matters and are a part of the Double Jeopardy Clause’s guarantee. See *Ashe v. Swenson*, 397 U.S. 436 (1970).

In view of the protections the Double Jeopardy Clause affords, this Court later held in *Abney* that defendants may seek immediate interlocutory review of a pretrial order denying a defendant’s motion to dismiss to prevent an unconstitutional retrial based upon double jeopardy grounds. *Abney v. United States*, 431 U.S. 651, 662 (1977) (“[P]retrial orders rejecting claims of former jeopardy, such as that presently before us, constitute ‘final decisions’ and thus satisfy the jurisdictional prerequisites of § 1291”).

This Petition seeks to address whether a criminal defendant may seek immediate federal habeas relief where a defendant can demonstrate a colorable double

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jeopardy claim due to the violation of collateral estoppel principles, and whether such relief may be brought immediately following the jury's judgment of guilty but prior to sentencing. Doing so would permit the same type of interlocutory relief as is currently available in *Abney*, but would extend *Abney* to allow defendants to seek the same basis for relief at a later stage in the proceedings. The availability of such relief would not expand defendants' rights beyond what is already available, but would simply provide a separate timeframe for seeking immediate relief either pretrial or posttrial and prior to sentencing, but not both, depending upon the nature of the double jeopardy violation. The timing of relief, whether pretrial or posttrial, would depend upon the specific nature of the double jeopardy issue. This framework would ensure the full protections of the Fifth and Fourteenth Amendments while preventing multiple attempts to raise a double jeopardy issue.

Currently, neither a pretrial habeas petition nor a postsentencing direct appeal provides an adequate alternative for a defendant whose rights were violated specifically under double jeopardy collateral estoppel principles.

At the pretrial stage, a defendant who has already completed a prior trial that resulted in the acquittal of one or more offenses would have no adequate way to fully understand the arguments the Government intends to use at the next trial without speculating. It would be unreasonable for a defendant to demand an outline or blueprint of the Government's case, or a draft of the Government's opening and closing arguments that may be used in the subsequent trial. The

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defendant could do no better than to speculate about the specific manner the State intends to use its evidence. Consequently, at the pretrial stage, a defendant in this situation is not able to concretely point to a collateral estoppel double jeopardy injury given that the facts giving rise to a collateral estoppel issue will not have been fully realized at that point. This presents a ripeness problem for defendants who specifically have a colorable double jeopardy collateral estoppel issue which only fully became cognizable during the subsequent trial.

With respect to direct appeals, an individual would have to undergo sentencing and potentially imprisonment before any relief could be granted. Interests of justice should not require a sentencing and possible imprisonment where a conviction was obtained in violation of collateral estoppel double jeopardy principles. Separately, before federal habeas relief may become available, in particular as it pertains to state court defendants, a defendant would have to exhaust all available bases for relief before the respective state courts before federal habeas relief becomes available. This could easily result in months or years of appellate litigation while a defendant waits, potentially in prison, for any redress from a collateral estoppel double jeopardy violation. Critically, where found, the violation of the Double Jeopardy Clause necessitates reversal. Thus, postsentencing federal habeas relief is not an effective way to address the urgency or fundamental nature of this issue, which goes to the very heart of the validity of the conviction itself.

Concerning whether a posttrial collateral estoppel double jeopardy challenge may be brought, this Court

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should consider and compare the realities of defendants like *Martinez* versus those faced with a situation as in *Ashe*. See *Martinez v. Illinois*, 572 U. S. 833, 842 (2014); *Ashe*, 397 U. S. 436.

In *Martinez*, the State had continued the trial multiple times in order to locate certain witnesses. *Martinez*, 572 U. S., at 835–836. On the day of trial, the trial court swore in the jury, but the State indicated it had no evidence to present. *Id.*, at 837. Upon a motion by the defense, the trial court entered directed verdicts in favor of the defendant. *Ibid.* On appeal, the Illinois Appellate Court agreed with the State’s argument and found that the trial court erred by not granting a continuance of the trial. *Ibid.* The Supreme Court of Illinois affirmed. *Ibid.* This Court reviewed the matter and reversed the judgment of the Supreme Court of Illinois, reaffirming that jeopardy attached once the jury was sworn and that the trial court’s dismissal was a textbook acquittal of the charged offenses. *Id.*, at 840–841.

In *Martinez*, the State clearly desired to prosecute the defendant a second time for the same offense previously tried. The defendant would have been subjected to a second trial and a possible invalid conviction and sentencing had the defendant not sought relief from this Court to review the decision of the Supreme Court of Illinois prior to any second trial commencing. Relief was ultimately granted, and it appears that no second trial on these facts ever took place.

Under facts similar to *Martinez*, where the Government attempts to try the same defendant for the exact same offenses previously tried, reindict the same

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defendant for the same offenses previously dismissed (where double jeopardy attached), or similar circumstances, traditional double jeopardy issues are readily apparent before any second trial takes place. A pre-trial federal habeas challenge under *Abney* would be clearly appropriate before the attempted second trial were to commence.

Contrastingly, the defendant in *Ashe* stood trial a second time wherein a double jeopardy violation became fully apparent as a result of the second trial. There, the State tried the defendant for armed robbery. *Ashe*, 397 U.S., at 438. At the conclusion of trial, the jury found the defendant “not guilty due to insufficient evidence.” *Id.*, at 439. The defendant was then tried a second time for the robbery of a different individual under the same original facts. *Ibid.* This time, the defendant was found guilty. *Id.*, at 440. This Court concluded in *Ashe* that collateral estoppel is:

“a part of the Fifth Amendment’s guarantee against double jeopardy, and if collateral estoppel is embodied in that guarantee, then its applicability in a particular case is no longer a matter to be left for state court determination within the broad bounds of ‘fundamental fairness,’ but a matter of constitutional fact we must decide through an examination of the entire record.” *Ashe*, 397 U.S., at 442–443.

Collateral estoppel is understood to mean that “when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot

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be litigated between the same parties in any future lawsuit.” *Ashe*, 397 U. S., at 443.

The Court reasoned in *Ashe* that an issue of ultimate fact which naturally followed from an acquittal involving a general verdict could not be advanced again in a subsequent trial:

“Once a jury had determined upon conflicting testimony that there was at least a reasonable doubt that the petitioner was one of the robbers, the State could not present the same or different identification evidence in a second prosecution for the robbery of Knight in the hope that a different jury might find that evidence more convincing.” See, *e. g.*, *Ashe*, 397 U. S., at 446.

In order for collateral estoppel to be triggered, the Court stated that a court must “examine the record of a prior proceeding, taking into account the pleadings, evidence, charge, and other relevant matter, and conclude whether a rational jury could have grounded its verdict upon an issue other than that which the defendant seeks to foreclose from consideration.” *Id.*, at 444. Such review is “not to be applied with the hypertechnical and archaic approach of a 19th century pleading book, but with realism and rationality,” and “[a]ny test more technically restrictive would, of course, simply amount to a rejection of the rule . . . at least in every case where the first judgment was based upon a general verdict of acquittal.” *Ibid.*

The ultimate effect of the second trial in *Ashe* was that the defendant there was sentenced to a 35-year term in the state penitentiary. *Ashe*, 397 U. S., at 440. His appeal to the Supreme Court of Missouri

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failed. *Ibid.* A collateral attack of the conviction five years later also failed. *Ibid.* It is unclear how much time the defendant was incarcerated before the judgment was ultimately reversed.

By extending *Abney* to provide a posttrial but presentence basis to seek immediate federal habeas relief, a defendant like *Ashe* who has suffered a legitimate collateral estoppel double jeopardy violation during the course of a second or subsequent trial would not have to await years of postsentence litigation to reverse what was principally an invalid judgment of conviction.

* * *

For the reasons stated more fully above, the interests and principles concerning finality of judgments are not served where a conviction is obtained in violation of the Double Jeopardy Clause.

The Due Process Clause of the Fifth Amendment should be interpreted to recognize not only a pretrial right to expedited habeas relief, but also a narrow posttrial and presentence window to seek immediate federal habeas relief where a colorable double jeopardy ground exists. The appropriate timing of expedited relief would depend upon the nature of the claimed double jeopardy violation. Defendants who have suffered a collateral estoppel injury would be afforded the same opportunity of immediate federal habeas review and would have the ability to demonstrate a colorable collateral estoppel double jeopardy claim based upon an actual record and seek relief where such claim became cognizable. A defendant should not undergo an invalid sentencing or unlawful

Petition for Writ of Certiorari

imprisonment to vindicate a fundamental constitutional right. Because pretrial federal habeas relief is already available upon the showing of a double jeopardy claim, immediate posttrial but presentence relief would remain the same interlocutory relief already available and would do no more to lengthen criminal proceedings than a pretrial habeas petition on double jeopardy grounds would do. A defendant may seek federal intervention pretrial, or posttrial and presentencing depending upon the nature of specific circumstances, but never both.

For the reasons given above, the availability of habeas relief at either stage of the proceedings would serve the interests of justice and due process and would provide prompt resolution of an issue which goes to the validity of the conviction itself.

CONCLUSION

This Court should grant certiorari.

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OCTOBER 2026

Attorneys for Petitioner

Appendix A

[Filed: Dec. 31, 2025]



**Court of Appeals
STATE OF ARIZONA
DIVISION TWO**

O R D E R

2 CA-CR 2025–0161
Department C
Pima County
Cause No. CR20235154001

RE: STATE OF ARIZONA v. MUHAMMAD SAEED

Pursuant to Motion for Reconsideration,

ORDERED: Motion for Reconsideration is
DENIED.

Upon further review of the record, on this court's
own motion,

FURTHER ORDERED: Vacating our dismissal order of November 5, 2025, and dismissing the appeal for lack of jurisdiction because neither the jury's verdicts nor the trial court's denial of the defendant's motion to vacate are appealable, no judgment having been entered insofar as the defendant has yet to be sentenced.

Judges Sklar and O'Neil concurring.

DATED: December 31, 2025

Appendix A

_____/s/_____
Karl C. Eppich
Presiding Judge

Copies to:

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Appendix B



**Supreme Court
STATE OF ARIZONA**

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

ANN A. SCOTT TIMMER
Chief Justice

AARON C. NASH
Clerk of the Court

May 7, 2026

RE: STATE OF ARIZONA v MUHAMMAD SAEED

Arizona Supreme Court No. CR-26-0011-PR
Court of Appeals, Division Two No. 2 CA-CR 25-
0161
Pima County Superior Court No. CR20235154-
001

GREETINGS:

The following action was taken by the Arizona Supreme Court on May 7, 2026, regarding the above-referenced cause:

ORDERED: Petition for Review = DENIED.

A panel composed of Justice Bolick, Justice Montgomery, Justice King and Justice Cruz participated in the determination of this matter.

App. 4

SAEED *v.* ARIZONA

Appendix B

Aaron C. Nash, Clerk

TO:

Alice Jones

Karen Moody

Samantha Ansinelli

Lisa V Howell

Kristin K Mayes

ar

Appendix C

[Filed: Dec. 9, 2025]



**Court of Appeals
STATE OF ARIZONA
DIVISION TWO**

O R D E R

2 CA-CR 2025–0161
Department C
Pima County
Cause No. CR20235154001

RE: STATE OF ARIZONA v. MUHAMMAD SAEED

Appellant Muhammad Saeed having filed a Motion for Reconsideration of this court’s Order of dismissal dated November 5, 2025, arguing that A.R.S. §13–4033(C) does not apply to his appeal, insofar as it challenges the trial court’s denial of his Rule 24.2 motion,

ORDERED: The parties shall file simultaneous briefs addressing the following question:

Does this court have jurisdiction over an appeal of the trial court’s denial of the Rule 24.2 motion, as an order made after judgment under A.R.S. §13–4033(A)(3), where the ruling occurred before sentencing, in light of State ex rel. Adel v. Hannah, 249 Ariz. 537, ¶ 18 (2020) (judgment and sentence must be entered before court can consider motion to vacate)?

Appendix C

FUTHER ORDERED: Said briefs are to be filed no later than **December 30, 2025**. No responses or replies shall be permitted absent further order of the court.

DATED: December 9, 2025

_____/s/_____
Karl C. Eppich
Presiding Judge

Copies to:

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Appendix D

[Filed: Nov. 5, 2025]



**Court of Appeals
STATE OF ARIZONA
DIVISION TWO**

O R D E R

2 CA-CR 2025–0161
Department C
Pima County
Cause No. CR20235154001

RE: STATE OF ARIZONA v. MUHAMMAD SAEED

Pursuant to appellant’s status report filed November 3, 2025, the superior court has ruled on all pending motions.

ORDERED: This court’s stay entered September 23, 2025, is lifted.

It appearing that appellant was warned of the consequences of failing to appear for trial and delaying sentencing and was found knowingly and voluntarily absent from trial, that the jury entered its verdicts on June 19, 2025, and that appellant has not yet been sentenced due to his continued absence, see A. R. S. §13–4033(C);

FURTHER ORDERED: The above-entitled appeal is dismissed as appellant’s absence has prevented sentencing from occurring within ninety days after conviction.

Appendix D

Judges Sklar and O'Neil concurring.

DATED: November 5, 2025

_____/s/_____
Karl C. Eppich
Presiding Judge

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Appendix E

[Filed: Sep. 23, 2025]



**Court of Appeals
STATE OF ARIZONA
DIVISION TWO**

O R D E R

2 CA-CR 2025–0161
Department C
Pima County
Cause No. CR20235154001

RE: STATE OF ARIZONA v. MUHAMMAD SAEED

On the court's own motion,

ORDERED: The above-entitled appeal is stayed and jurisdiction is revested in the trial court, to and including **November 3, 2025**, for the limited purpose of ruling on pending motions and matter in Pima County Superior Court.

FURTHER ORDERED: Counsel shall file a status report in the above-entitled appeal on or before **November 3, 2025**.

In the event that such order is filed, the clerk of the superior court shall forward same forthwith as a supplement to the record on appeal.

DATED: September 23, 2025

_____/s/
Lisa V. Howell

Appendix E

Judge Pro Tempore/Clerk of
the Court

Copies to:

ARIZONA ATTORNEY GENERAL
2005 N. Central Ave
Phoenix, AZ 85004

Samantha Ansinelli
Ansinelli Law, PLLC
177 North Church Avenue, Suite 200
Tucson, AZ 85701

Hon. Scott McDonald
Judge
Pima County Juvenile Court
2225 E Ajo Way
Tucson, AZ 85713

James Giacomino
Clerk of the Court
Pima County Superior Court
110 W. Congress
Tucson, AZ 85701

Appendix F

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT CASE NO. CR20235154–
MCDONALD 001

STATE OF ARIZONA DATE: October 13, 2025
Plaintiff,

vs.

MUHAMMAD SAEED
(-001)
Defendant.

R U L I N G

**IN-CHAMBERS RE: DEFENDANT’S AMENDED
MOTION TO VACATE**

Defendant Muhammad Saeed moves to vacate the judgment under Rule 24.2(a)(1) and (3), Ariz. r. Crim P. Having reviewed Saeed’s motion, reply, and supplemental reply, the State’s response, and the supporting materials, the Court denies Saeed’s motion.

As a preliminary matter, the parties have extensively argued all issues in the motion at least once, and in some instances multiple times.¹ For instance, Saeed moves to vacate the judgment because he was not given ten years of medical and mental health records for the victims in this case. *See* Motion pp. 5–8. Before the first trial, Saeed filed a motion on this issue (see Nov. 8. 2024 *Motion for Disclosure* and Nov. 12 2024 *Supplement to Motion for Disclosure*).

¹ It is principally for this reason that the Court denied Saeed’s motion to file a nineteen-page motion.

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After oral argument, the Court denied the motion. *See* Dec. 13, 2024 ME Order. Three business days before the second trial, Saeed filed a motion to preclude and a motion to exceed page limits, all on this issue. *See* June 4, 2025 *Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers*. On the first day of the second trial, Saeed filed a “renewed” motion to preclude, again on this issue. *See* June 9, 2025 “Renewed” Motion. After oral argument, the Court denied the motion. *See* June 4, 2025 ME Entry. Saeed’s argument on the issue remains the same, as does the Court’s findings and reasoning. Accordingly, the Court will not attempt to not fully re-explain its previous decisions.

1. The state was not estopped from introducing testimony regarding Saeed’s prescription practices on the grounds that it placed him in double jeopardy and that the state was collaterally estopped.

After the first jury trial, Saeed was found not-guilty of obtaining or procuring the administration of a dangerous and narcotic drug by fraud, deceit, misrepresentation or subterfuge (the dangerous and narcotic drug charges). Saeed now argues the Court erred and should have precluded the state from introducing evidence regarding Saeed’s “prescription mis-practice, malpractice or fraudulent practice”. The Court disagrees.

Collateral estoppel “bars the state from relitigating a question of fact that was determined in the defend-

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ant's favor by a partial verdict.” *State v. Rodriguez*, 198 Ariz. 139, 141, ¶ 5 (App. 2000), quoting *State v. Luzanilla*, 176 Ariz. 397, 401 (1993). “[T]he issue sought to be relitigated must be precisely the same as the issue in the previous litigation. . . .” *State v. Jimenez*, 130 Ariz. 138, 140 (1981).

Saeed's prescription practices were relevant to all of the state's allegations. This alone does not mean the state could not present evidence regarding this in the second trial after the jury acquitted him on the dangerous and narcotic drug charges. The state was only barred from presenting evidence in the second trial that Saeed knowingly procured the administration of a dangerous or narcotic drug by fraud, deceit, misrepresentation, or subterfuge. He cites to no specific testimony on this issue. Instead, Saeed cites testimony regarding his prescription practices in the second trial that he claims was barred. But the testimony was distinct and supported the state's theory for fraudulent schemes and artifices claim, which was generally that Saeed obtained sexual benefit through a scheme that involved prescribing *multiple* medications that conflicted with one another to have patients return and consent to unwanted sexual abuse and create dependency. A scheme to prescribe a combination of medications to create dependency and obtain a sexual benefit is not “precisely the same” issue as prescribing one medication through fraud, deceit, misrepresentation or subterfuge. It similarly is not “precisely the same” issue as prescribing a combination of medications to create a dependency so Saeed could sexually assault victims

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as the State argued. And jurors in the first trial did not render a verdict on these issues. The mere fact that some evidence regarding Saeed's prescription practices was relevant to all claims does not mean the state was barred from presenting it.

2. Saeed, not the state, was the reason why late disclosure was introduced in trial.

Shortly before the first trial, Saeed sought to introduce portions of videos of some victims in his treatment room. The videos were stored on a hard drive in Saeed's possession that he took with him when he went to Pakistan in December 2023. The state requested the entire hard drive multiple times, which Saeed refused to provide before the first trial. The state objected to the select videos on the grounds that Saeed did not disclose the hard drive that contained all videos. The Court ordered Saeed disclose the entire hard drive before March 5, 2025 if he wished to use the drive, which Saeed did not comply with. Based on this, the Court precluded Saeed from introducing select videos. Either shortly before or after the first trial, Saeed sent the hard drive to his family, who (weeks later) disclosed it to his attorneys.

Saeed then disclosed the hard drive to the state on May 5, 2025, disclosed an expert witness who would testify about the drive, and again moved to admit select videos. Sergeant Andreacola reviewed the hard drive to authenticate it. After a Rule 15 interviews and the weekend before trial, Sergeant Andreacola reviewed a sample of videos to determine how many

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male and female patients there were, whether Saeed did a physical exam on the patients, and how long the exam took. This took Sergeant Andreacola about a weekend to conduct.

To the extent his attorneys were prejudiced, that was not the state's fault. Saeed, and only Saeed, is to blame for the late disclosure. Saeed took the hard drive with him to Pakistan when he left for Pakistan in 2023. He was required to disclose the hard drive to the state by March 5, 2025 if he wanted to use the videos in the first trial. He did not do so. The Court scheduled a retrial on April 7, 2025. Saeed did not disclose the hard drive to the state until May 5, 2025. Saeed could have done his own analysis at any point in the eighteen months after the indictment even though he had sole possession of the hard drive. He similarly could have reviewed Sergeant Andreacola's work, which only took a weekend to conduct. Saeed did not.

3. The Court did not unreasonably limit Saeed's cross-examination.

Saeed argues he "had no ability to have any review medical records [sic] from any other provider, including medical providers who had seen any patient victim immediately prior, during, or immediately after they received care from Dr. Saeed." This is a fishing expedition contrary to Arizona law and the victim's rights.

To obtain all of the victim's medical records (approximately ten years' worth), Saeed was required to show "a reasonable possibility that the information

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sought includes evidence that would be material to the defense or necessary to cross-examine a witness.” *R.S. v. Thompson in & for Cnty. of Maricopa*, 251 Ariz. 111, 115, ¶ 1 (2021). Here, the Court found Saeed failed to do so. See Dec. 13, 2024 ME Order. He cites no evidence in his motion again apart from the same speculation the Court rejected multiple times.

Saeed also claims he was denied the right to cross-examine E.G.’s regarding a 2016 police report. For the reasons contained in the Court’s March 5, 2025 order, Saeed’s argument is without merit.

Saeed also claims he was precluded from asking E.G. about whether K.D. told her that Saeed touched patients during visit. Saeed does not cite any transcript that would allow for this Court to understand what he is referring to and it appears he is asking E.G. to testify about inadmissible hearsay, which is not permitted.

Saeed also claims he was precluded from presenting photographs from victims’ social media accounts. The Court reviewed the photographs and found that any minimal probative value was substantially outweighed by a danger of confusing the issues, misleading the jury, undue delay, wasting time, and needlessly presenting cumulative evidence. Nothing has changed.

Saeed also claims his daughter should have been permitted to testify about why her dad left the United States and now introduces an affidavit, which the Court reviewed. The Court is again confused by Saeed’s argument. The Court refused to permit

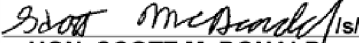
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Saeed's daughter to testify about hearsay, but permitted her to testify about other areas.

Finally, Saeed argues he should have been allowed to call an expert witness to testify about the statute of limitations for negligence claims and how a criminal judgment could impact the limitation period. The Court addressed this argument, and its reasoning is the same. *See* June 3, 2025 ME Order. Simply, none of the victims in the first trial testified they anticipated filing suit, and Saeed was free to ask them about whether they intended to do so. And nobody argued that any suit was time barred. Accordingly, any minimal probative value was substantially outweighed by a danger of confusing the issues, misleading the jury, and undue delay.

4. Disposition

It is ordered denying Saeed's *Amended Motion to Vacate Pursuant to Rule 24.2(a)(1)(3), Ariz. R. Crim. P.*


HON. SCOTT McDONALD

cc: F Sterling Struckmeyer, Esq.
Michael J Bloom, Esq.
Samantha O Ansinelli, Esq.
Arizona Court of Appeals Division Two
Clerk of Court - Appeals Unit
Clerk of Court - Criminal Unit
Court Services - Criminal

Y. Torres
Judicial Administrative Assistant

Appendix G

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT CASE NO. CR20235154–
MCDONALD 001

STATE OF ARIZONA DATE: September 08,
Plaintiff, 2025

vs.

MUHAMMAD SAEED
(-001)
Defendant.

O R D E R

IN-CHAMBERS RE: DEFENDANT’S *MOTION TO EXCEED PAGE LIMIT RE: MOTION TO VACATE, PURSUANT TO RULE 24.2 (a)(1), (3), ARIZ. R. CRIM.P.*

The Court has reviewed *Motion to Exceed Page Limit Re: Motion to Vacate, Pursuant to Rule 24.2 (a)(1), (3), Ariz. R. Crim. P.*

IT IS THEREFORE ORDERED denying Defendant’s *Motion to Exceed Page Limit Re: Motion to Vacate, Pursuant to Rule 24.2 (a)(1), (3), Ariz. R. Crim. P.*

/s/ Scott McDonald

HON. SCOTT McDONALD

cc: F Sterling Struckmeyer, Esq.
Michael J Bloom, Esq.
Samantha O Ansinelli, Esq.

Y. Torres
Judicial Administrative Assistant

Appendix H

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT MCDONALD	CASE NO. CR20235154– 001
COURT REPORTER: Ellen Colonna Courtroom - 472	DATE: June 10, 2025 F. Sterling Struckmeyer, Esq. counsel for State
STATE OF ARIZONA V. MUHAMMAD SAEED (-001) Defendant.	Michael J. Bloom, Esq. and Samantha O. Ansinelli, Esq. counsel for Defendant

MINUTE ENTRY

JURY TRIAL - DAY TWO (2)

9:20 AM Defendant not present, out of custody, on warrant status. Victim is present.

OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding trial issues and the pending motions before the Court.

The Court indicates that the Defendant's Motion *in Limine* Re: Admissibility of Videos and Screenshots is moot given the information provided by counsel.

Counsel argue the State's Motion *in Limine* Re: A.V. to the Court.

For reasons stated on the record,

IT IS ORDERED that the State's Motion *in Limine* Re: A.V. is granted.

Appendix H

IN THE PRESENCE OF THE JURY:

Counsel make opening statements to the Jury.

FOR THE STATE:

V.G. is sworn and testifies.

State's Exhibits 1, 3, 4, 52 through 54, 59 through 79, 83 through 93, 152, 153, 159, 160, 164, 169 through 189, and 283 through 286, previously identified, are admitted.

11:56 AM The Jury is admonished and excused until 1:30 PM this date.

OUT OF THE PRESENCE OF THE JURY:

Counsel argue the Defendant's Renewed Motion to Preclude Medical Conclusions, Treatment Plans, or Medical Decisions of Non-Testifying Subsequent Providers to the Court.

For reasons stated on the record,

IT IS ORDERED that the Defendant's motion regarding res judicata is denied.

12:04 PM Court stands at recess.

1:32 PM Court resumes. Defendant not present, out of custody, on warrant status. Victim is present. Pedro Davis and Alejandra Lourido-Echeverri are interpreting.

The Court and counsel confer regarding trial issues.

For reasons stated on the record,

IT IS ORDERED that the Defendant's Renewed Motion to Preclude Medical Conclusions, Treatment Plans, or Medical Decisions of Non-Testifying Subsequent Providers is denied as untimely.

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IN THE PRESENCE OF THE JURY:

FOR THE STATE:

V.G., previously sworn, further testifies and is questioned by the Jury through the Court.

Defendant's Exhibit DU, previously identified, is admitted.

Shireen Adan is sworn, testifies, and is questioned by the Jury through the Court.

The Jury is admonished and excused until 9:30 AM on June 11, 2025.

OUT OF THE PRESENCE OF THE JURY:

Counsel argue the Defendant's Motion *in Limine* and Objection Re: Flight Instruction to the Court.

The Court indicates that it will make a final determination at the conclusion of evidence.

4:19 PM Court stands at recess.

cc: Hon. Scott McDonald
F Sterling Struckmeyer, Esq.
John Andrew O'Brien, Esq.
Michael J Bloom, Esq.
Samantha O Ansinelli, Esq.
Court Interpreter
Pretrial Services

J. Baray
Deputy Clerk

Appendix I

[Filed: Apr. 7, 2025]

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT MCDONALD	CASE NO. CR20235154– 001
COURT REPORTER: Not Present	DATE: April 2, 2025
STATE OF ARIZONA	F. Sterling Struckmeyer, Esq. counsel for State
VS.	
MUHAMMAD SAEED (-001) Defendant.	Michael J. Bloom, Esq. and Samantha O. Ansinelli, Esq. counsel for Defendant

MINUTE ENTRY

PRETRIAL CONFERENCE

Defendant not present, out of custody.

Victim is present, appearing via Microsoft Teams.

The Court and counsel confer regarding the jury questionnaire and potential new trial dates.

Mr. Struckmeyer informs the Court that the State intends to retry the Defendant for trial.

There being no objection and Defendant having waived time,

IT IS ORDERED resetting the matter for a Jury Trial on June 9, 2025, at 1:30 PM, in Division 29; 12-person jury; estimated length of trial is ten (10) days; Interpreter not required. Prior Pima County trial. A jury questionnaire is being requested.

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THE COURT FINDS that extraordinary circumstances exist to waive time.

Time is waived.

Please review the attached instructions regarding exhibit submission procedures. Exhibits should be placed in the large brown drop-box located next to the glass double doors on the eighth floor of the Superior Court building. For any questions regarding exhibit marking or submission only, please contact (520) 724–8279.

cc: Hon. Scott McDonald
F Sterling Struckmeyer, Esq.
Michael J Bloom, Esq.
Samantha O Ansinelli, Esq.
Pretrial Services

L. Lespron-Lopez
Deputy Clerk

Appendix I

EXHIBIT SUBMISSION PROCEDURES

1. For telephonic hearings, exhibits should be submitted one week prior to the hearing date, regardless of number.
2. For in-person hearings, exhibits should be submitted one week prior to the hearing if there are fifteen (15) or more exhibits.
3. For **contested Protective Order Hearings** (Order of Protection or Injunction Against Harassment), or **Family Law Temporary Orders Without Notice** hearings, exhibits should be submitted at least three (3) days prior to the hearing.
4. Individual exhibits must be stapled if multiple pages. If an exhibit is too thick for a stapler, please use a binder clip or rubber band on the exhibit.
5. Please do not submit exhibits in notebooks or binders. The only exception would be when one exhibit may be too voluminous to staple and would fill an entire binder.
6. We **DO NOT** accept emailed or electronic exhibits. All exhibits must be submitted in person to the 8th floor drop box, or mailed (USPS, FedEx, UPS) to: Pima County Clerk of Superior Court, attn: Karla Ronquillo, 110 West Congress, Suite 131A, Tucson, AZ 85701.
7. The Clerk of Court will not remove exhibits from a previous hearing and re-mark said exhibits for a future hearing.

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8. **All new hearings will require submission of new exhibits.**
9. If a hearing is continued to another date due to insufficient time to complete the hearing, those exhibits will be carried over to the next hearing date. You would not need to submit new exhibits.
10. All non-admitted exhibits will be released back to the parties at the end of the hearing. If a party is appearing telephonically or by TEAMS, they will have two (2) weeks from the hearing date to pick up the non-admitted exhibits, or the exhibits will be destroyed. The parties may contact the Exhibits Unit at **(520) 724-3290**, to pick up their exhibits.

Information regarding Clerk of Court marking procedures

1. Petitioner/Plaintiff's exhibits are marked using numbers. The party filing the initial petition/motion in a case will always be considered as the Petitioner/Plaintiff, regardless of who files any subsequent petition/motion.
2. Respondent/Defendant's exhibits are marked using letters. If there are more than 26 exhibits, the next 26 would be marked as AA through AZ, then BA through BZ, etc.
3. We do not utilize subsections. (We will not mark exhibits as 1A, 1B, etc.)
4. We **do not** skip numbers/letters, or reserve space. Exhibits will be marked sequentially.

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5. In Civil or Criminal cases, each photograph is considered as a separate exhibit, unless it is included as part of an official report.
6. Audio or Video evidence may be placed on a CD or USB drive. If each audio or video segment is to be considered as a separate exhibit, it must be placed on a separate CD or USB drive.
Please make sure you bring your own laptop or electronic device to play these types of exhibits.
7. Original depositions are not marked as exhibits unless, and until, they are used at trial.
8. Once exhibits have been identified in a minute entry, they cannot be altered or added to. A new exhibit would need to be submitted.
For further assistance regarding exhibit submission procedures, please contact (520) 724-8279, or (520) 724-8293.

Appendix J

[Filed: Mar. 25, 2025]

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT MCDONALD	CASE NO. CR20235154– 001
COURT REPORTER: Ellen Colonna Courtroom - 472	DATE: March 21, 2025 F. Sterling Struckmeyer, Esq. counsel for State
STATE OF ARIZONA	
VS.	
MUHAMMAD SAEED (-001) Defendant.	Michael J. Bloom, Esq. and Samantha O. Ansinelli, Esq. counsel for Defendant

MINUTE ENTRY

JURY TRIAL - DAY TEN - FINAL DAY

8:35 AM Defendant not present, out of custody, on warrant status. Mr. Struckmeyer and Ms. Ansinelli are present, appearing via Microsoft Teams. *Mr. Bloom is not present.

OUT OF THE PRESENCE OF THE JURY:

The Court informs counsel that Juror #3 is unable to continue deliberating, and the Court and counsel confer.

There being no objection, Juror #3 is excused, and Juror #14 is selected by lot to be called in their stead.

8:37 AM Court stands at recess.

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10:13 AM Court resumes. Defendant not present, out of custody, on warrant status. *All counsel are present.

IN THE PRESENCE OF THE JURY:

The Court informs the Jury that Juror #3 was excused from deliberations and Juror #14 has been called in their stead.

The Court reads the Jury the Reconstituting the Jury Instruction, a copy of which is provided to the Jury for its use during deliberations.

10:15 AM The Jury retires to consider its verdicts under the charge of the law clerk/bailiff, Araceli Mendoza, who was previously duly sworn for that purpose.

OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding trial issues.

10:16 AM Court stands at recess.

10:42 AM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present, appearing via Microsoft Teams.

OUT OF THE PRESENCE OF THE JURY:

The Court reads a juror question into the record, and the Court and counsel confer regarding an appropriate response thereto.

10:46 AM Court stands at recess.

1:33 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present, appearing via Microsoft Teams.

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The Court reads a juror question into the record, and the Court and counsel confer on how to proceed.

1:34 PM Court stands at recess.

1:49 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present. Victims are present.

OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding the juror question and reading the Jury the Impasse Instruction, to which Mr. Bloom objects.

IN THE PRESENCE OF THE JURY:

The Court reads the Jury the Impasse Instruction, a copy of which is provided to the Jury for use during its deliberations.

OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding trial issues.

1:58 PM Court stands at recess.

2:28 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present. Victims are present.

The Court reads a juror question into the record, and counsel argue to the Court on how to proceed.

THE COURT FINDS the Jurors are deadlocked and there is apparent need for further argument as the Court cannot resolve the juror question without commenting on the evidence.

IN THE PRESENCE OF THE JURY:

Counsel argue to the Jury.

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OUT OF THE PRESENCE OF THE JURY:

Mr. Bloom moves for a mistrial and counsel argue to the Court.

For reasons stated on the record,

IT IS ORDERED that the Defendant's motion for mistrial is denied.

3:09 PM Court stands at recess.

3:30 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present. Victims are present.

IN THE PRESENCE OF THE JURY:

The Jury announces through its foreperson that they have reached verdicts in this case.

The clerk is directed to read and enter the verdicts into the record.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CLONAZEPAM TO V.G., as alleged in COUNT TWENTY-NINE of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO V.G., as alleged in COUNT THIRTY of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: PHENTERMINE TO V.G., as alleged in COUNT THIRTY-ONE of the Indictment.

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The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: DEXTROAMP-AMPHETAMINE TO V.G., as alleged in COUNT THIRTY-TWO of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: FIORICET TO V.G., as alleged in COUNT THIRTY-THREE of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ALPRAZOLAM (A.K.A. "XANAX") TO C.P., as alleged in COUNT THIRTY-FIVE of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: DEXTROAMP-AMPHETAMINE TO C.P., as alleged in COUNT THIRTY-SIX of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO K.D., as alleged in COUNT FORTY-SIX of the Indictment (Count Thirty-Eight for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY

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FRAUD, TO WIT: DEXTROAMP-AMPHETAMINE TO K.D., as alleged in COUNT FORTY-SEVEN of the Indictment (Count Thirty-Nine for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CARISOPRODOL (A.K.A. "SOMAS") TO K.D., as alleged in COUNT FORTY-EIGHT of the Indictment (Count Forty for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CLONAZEPAM TO K.D., as alleged in COUNT FORTY-NINE of the Indictment (Count Forty-One for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A NARCOTIC DRUG BY FRAUD, TO WIT: TRAMADOL TO K.D., as alleged in COUNT FIFTY of the Indictment (Count Forty-Two for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CARISOPRODOL (A.K.A. "SOMAS") TO E.G., as alleged in COUNT FIFTY-SEVEN of the Indictment (Count Forty-Eight for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE

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ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO E.G., as alleged in COUNT FIFTY-EIGHT of the Indictment (Count Forty-Nine for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A NARCOTIC DRUG BY FRAUD, TO WIT: OXYCODONE TO E.G., as alleged in COUNT FIFTY-NINE of the Indictment (Count Fifty for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ZOLPIDEM TO E.G., as alleged in COUNT SIXTY of the Indictment (Count Fifty-One for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ALPRAZOLAM (A.K.A. "XANAX") TO E.G., as alleged in COUNT SIXTY-ONE of the Indictment (Count Fifty-Two for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO L.V., as alleged in COUNT SEVENTY-THREE of the Indictment (Count Fifty-Four for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ALPRAZOLAM (A.K.A. "XANAX")

Appendix J

TO L.V., as alleged in COUNT SEVENTY-FOUR of the Indictment (Count Fifty-Five for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LISDEXAMFETAMINE (A.K.A. "VYVANSE") TO L.V., as alleged in COUNT SEVENTY-FIVE of the Indictment (Count Fifty-Six for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CLONAZEPAM TO L.V., as alleged in COUNT SEVENTY-SIX of the Indictment (Count Fifty-Seven for purposes of trial).

The clerk inquires of the Jurors whether these are their verdicts and the verdicts of each of them, and so say they all.

The admonishment is lifted, and the Jury is thanked for its services and discharged.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED that a judgment of acquittal is entered in favor of the Defendant as to Counts Twenty-Nine through Thirty-Three, Thirty-Five, Thirty-Six, Forty-Six through Fifty (Counts Thirty-Eight through Forty-Two for purposes of trial,) Fifty-Seven through Sixty-One (Counts Forty-Eight through Fifty-Two for purposes of trial), and Seventy-Three through Seventy-Six (Counts Fifty-Four through Fifty-Seven for purposes of trial).

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Due to a hung Jury on the remaining counts,

The Court declares a MISTRIAL as to COUNT ONE of the Indictment.

The Court declares a MISTRIAL as to COUNT TWO of the Indictment.

The Court declares a MISTRIAL as to COUNT THREE of the Indictment.

The Court declares a MISTRIAL as to COUNT FOUR of the Indictment.

The Court declares a MISTRIAL as to COUNT FIVE of the Indictment.

The Court declares a MISTRIAL as to COUNT SIX of the Indictment.

The Court declares a MISTRIAL as to COUNT SEVEN of the Indictment.

The Court declares a MISTRIAL as to COUNT EIGHT of the Indictment.

The Court declares a MISTRIAL as to COUNT NINE of the Indictment.

The Court declares a MISTRIAL as to COUNT TEN of the Indictment.

The Court declares a MISTRIAL as to COUNT ELEVEN of the Indictment.

The Court declares a MISTRIAL as to COUNT TWELVE of the Indictment.

The Court declares a MISTRIAL as to COUNT THIRTEEN of the Indictment.

The Court declares a MISTRIAL as to COUNT FOURTEEN of the Indictment.

The Court declares a MISTRIAL as to COUNT FIFTEEN of the Indictment.

Appendix J

The Court declares a MISTRIAL as to COUNT SIXTEEN of the Indictment.

The Court declares a MISTRIAL as to COUNT SEVENTEEN of the Indictment.

The Court declares a MISTRIAL as to COUNT EIGHTEEN of the Indictment.

The Court declares a MISTRIAL as to COUNT NINETEEN of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-ONE of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-TWO of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-THREE of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-FOUR of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-FIVE of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-SIX of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-SEVEN of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-EIGHT of the Indictment.

The Court declares a MISTRIAL as to COUNT THIRTY-FOUR of the Indictment.

The Court declares a MISTRIAL as to COUNT FORTY-FIVE of the Indictment (Count Thirty-Seven for purposes of trial).

Appendix J

The Court declares a MISTRIAL as to COUNT FIFTY-ONE of the Indictment (Count Forty-Three for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-TWO of the Indictment (Count Forty-Four for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-FOUR of the Indictment (Count Forty-Five for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-FIVE of the Indictment (Count Forty-Fix for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-SIX of the Indictment (Count Forty-Seven for purposes of trial).

The Court declares a MISTRIAL as to COUNT SEVENTY-TWO of the Indictment (Count Fifty-Three for purposes of trial).

IT IS ORDERED affirming the previously issued arrest warrant for the Defendant.

The Court and counsel confer regarding setting a pretrial conference as to the remaining counts.

For reasons stated on the record,

IT IS ORDERED that a Pretrial Conference is set on April 2, 2025, at 10:15 AM, in Division 29.

3:49 PM Court is adjourned.

FILED IN COURT: Jury List; Preliminary Jury Instructions; Final Jury Instructions; Verdict Form (57); Stipulation and Order Re: Release of Exhibits; Juror Questions Submitted During Trial; Juror Questions Submitted During Deliberations

Appendix J

cc: Hon. Scott McDonald
F Sterling Struckmeyer, Esq.
John Andrew O'Brien, Esq.
Michael J Bloom, Esq.
Samantha O Ansinelli, Esq.
Clerk of Court - Accounting Unit
Clerk of Court - Criminal Unit
Clerk of Court - Exhibits (Not Guilty)
Clerk of Court - Imaging Unit
Pretrial Services

J. Baray
Deputy Clerk

Appendix K

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT MCDONALD	CASE NO. CR20235154– 001
COURT REPORTER: Ellen Colonna Courtroom - 472	DATE: March 21, 2025 F. Sterling Struckmeyer, Esq. counsel for State
STATE OF ARIZONA	
VS.	
MUHAMMAD SAEED (-001) Defendant.	Michael J. Bloom, Esq. and Samantha O. Ansinelli, Esq. counsel for Defendant

MINUTE ENTRY

JURY TRIAL - DAY TEN - FINAL DAY

8:35 AM Defendant not present, out of custody, on warrant status. Mr. Struckmeyer and Ms. Ansinelli are present, appearing via Microsoft Teams. *Mr. Bloom is not present.

OUT OF THE PRESENCE OF THE JURY:

The Court informs counsel that Juror #3 is unable to continue deliberating, and the Court and counsel confer.

There being no objection,

Juror #3 is excused, and Juror #14 is selected by lot to be called in their stead.

8:37 AM Court stands at recess.

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10:13 AM Court resumes. Defendant not present, out of custody, on warrant status. *All counsel are present.

IN THE PRESENCE OF THE JURY:

The Court informs the Jury that Juror #3 was excused from deliberations and Juror #14 has been called in their stead.

The Court reads the Jury the Reconstituting the Jury Instruction, a copy of which is provided to the Jury for its use during deliberations.

10:15 AM The Jury retires to consider its verdicts under the charge of the law clerk/bailiff, Araceli Mendoza, who was previously duly sworn for that purpose.

OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding trial issues.

10:16 AM Court stands at recess.

10:42 AM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present, appearing via Microsoft Teams.

OUT OF THE PRESENCE OF THE JURY:

The Court reads a juror question into the record, and the Court and counsel confer regarding an appropriate response thereto.

10:46 AM Court stands at recess.

1:33 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present, appearing via Microsoft Teams.

Appendix K

The Court reads a juror question into the record, and the Court and counsel confer on how to proceed.

1:34 PM Court stands at recess.

1:49 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present. Victims are present.

OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding the juror question and reading the Jury the Impasse Instruction, to which Mr. Bloom objects.

IN THE PRESENCE OF THE JURY:

The Court reads the Jury the Impasse Instruction, a copy of which is provided to the Jury for use during its deliberations.

OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding trial issues.

1:58 PM Court stands at recess.

2:28 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present. Victims are present.

The Court reads a juror question into the record, and counsel argue to the Court on how to proceed.

THE COURT FINDS the Jurors are deadlocked and there is apparent need for further argument as the Court cannot resolve the juror question without commenting on the evidence.

IN THE PRESENCE OF THE JURY:

Counsel argue to the Jury.

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OUT OF THE PRESENCE OF THE JURY:

Mr. Bloom moves for a mistrial and counsel argue to the Court.

For reasons stated on the record,

IT IS ORDERED that the Defendant's motion for mistrial is denied.

3:09 PM Court stands at recess.

3:30 PM Court resumes. Defendant not present, out of custody, on warrant status. Same counsel are present. Victims are present.

IN THE PRESENCE OF THE JURY:

The Jury announces through its foreperson that they have reached verdicts in this case.

The clerk is directed to read and enter the verdicts into the record.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CLONAZEPAM TO V.G., as alleged in COUNT TWENTY-NINE of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO V.G., as alleged in COUNT THIRTY of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: PHENTERMINE TO V.G., as alleged in COUNT THIRTY-ONE of the Indictment.

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The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: DEXTROAMP-AMPHETAMINE TO V.G., as alleged in COUNT THIRTY-TWO of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: FIORICET TO V.G., as alleged in COUNT THIRTY-THREE of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ALPRAZOLAM (A.K.A. "XANAX") TO C.P., as alleged in COUNT THIRTY-FIVE of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: DEXTROAMP-AMPHETAMINE TO C.P., as alleged in COUNT THIRTY-SIX of the Indictment.

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO K.D., as alleged in COUNT FORTY-SIX of the Indictment (Count Thirty-Eight for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY

Appendix K

FRAUD, TO WIT: DEXTROAMP-AMPHETAMINE TO K.D., as alleged in COUNT FORTY-SEVEN of the Indictment (Count Thirty-Nine for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CARISOPRODOL (A.K.A. "SOMAS") TO K.D., as alleged in COUNT FORTY-EIGHT of the Indictment (Count Forty for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CLONAZEPAM TO K.D., as alleged in COUNT FORTY-NINE of the Indictment (Count Forty-One for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A NARCOTIC DRUG BY FRAUD, TO WIT: TRAMADOL TO K.D., as alleged in COUNT FIFTY of the Indictment (Count Forty-Two for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CARISOPRODOL (A.K.A. "SOMAS") TO E.G., as alleged in COUNT FIFTY-SEVEN of the Indictment (Count Forty-Eight for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE

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ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO E.G., as alleged in COUNT FIFTY-EIGHT of the Indictment (Count Forty-Nine for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A NARCOTIC DRUG BY FRAUD, TO WIT: OXYCODONE TO E.G., as alleged in COUNT FIFTY-NINE of the Indictment (Count Fifty for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ZOLPIDEM TO E.G., as alleged in COUNT SIXTY of the Indictment (Count Fifty-One for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ALPRAZOLAM (A.K.A. "XANAX") TO E.G., as alleged in COUNT SIXTY-ONE of the Indictment (Count Fifty-Two for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LORAZEPAM TO L.V., as alleged in COUNT SEVENTY-THREE of the Indictment (Count Fifty-Four for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: ALPRAZOLAM (A.K.A. "XANAX")

Appendix K

TO L.V., as alleged in COUNT SEVENTY-FOUR of the Indictment (Count Fifty-Five for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: LISDEXAMFETAMINE (A.K.A. "VYVANSE") TO L.V., as alleged in COUNT SEVENTY-FIVE of the Indictment (Count Fifty-Six for purposes of trial).

The Jury finds the Defendant not guilty of the offense of OBTAINING OR PROCURING THE ADMINISTRATION OF A DANGEROUS DRUG BY FRAUD, TO WIT: CLONAZEPAM TO L.V., as alleged in COUNT SEVENTY-SIX of the Indictment (Count Fifty-Seven for purposes of trial).

The clerk inquires of the Jurors whether these are their verdicts and the verdicts of each of them, and so say they all.

The admonishment is lifted, and the Jury is thanked for its services and discharged.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED that a judgment of acquittal is entered in favor of the Defendant as to Counts Twenty-Nine through Thirty-Three, Thirty-Five, Thirty-Six, Forty-Six through Fifty (Counts Thirty-Eight through Forty-Two for purposes of trial,) Fifty-Seven through Sixty-One (Counts Forty-Eight through Fifty-Two for purposes of trial), and Seventy-Three through Seventy-Six (Counts Fifty-Four through Fifty-Seven for purposes of trial).

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Due to a hung Jury on the remaining counts,

The Court declares a MISTRIAL as to COUNT ONE of the Indictment.

The Court declares a MISTRIAL as to COUNT TWO of the Indictment.

The Court declares a MISTRIAL as to COUNT THREE of the Indictment.

The Court declares a MISTRIAL as to COUNT FOUR of the Indictment.

The Court declares a MISTRIAL as to COUNT FIVE of the Indictment.

The Court declares a MISTRIAL as to COUNT SIX of the Indictment.

The Court declares a MISTRIAL as to COUNT SEVEN of the Indictment.

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The Court declares a MISTRIAL as to COUNT FOURTEEN of the Indictment.

The Court declares a MISTRIAL as to COUNT FIFTEEN of the Indictment.

Appendix K

The Court declares a MISTRIAL as to COUNT SIXTEEN of the Indictment.

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The Court declares a MISTRIAL as to COUNT TWENTY-SEVEN of the Indictment.

The Court declares a MISTRIAL as to COUNT TWENTY-EIGHT of the Indictment.

The Court declares a MISTRIAL as to COUNT THIRTY-FOUR of the Indictment.

The Court declares a MISTRIAL as to COUNT FORTY-FIVE of the Indictment (Count Thirty-Seven for purposes of trial).

Appendix K

The Court declares a MISTRIAL as to COUNT FIFTY-ONE of the Indictment (Count Forty-Three for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-TWO of the Indictment (Count Forty-Four for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-FOUR of the Indictment (Count Forty-Five for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-FIVE of the Indictment (Count Forty-Fix for purposes of trial).

The Court declares a MISTRIAL as to COUNT FIFTY-SIX of the Indictment (Count Forty-Seven for purposes of trial).

The Court declares a MISTRIAL as to COUNT SEVENTY-TWO of the Indictment (Count Fifty-Three for purposes of trial).

IT IS ORDERED affirming the previously issued arrest warrant for the Defendant.

The Court and counsel confer regarding setting a pretrial conference as to the remaining counts.

For reasons stated on the record,

IT IS ORDERED that a Pretrial Conference is set on April 2, 2025, at 10:15 AM, in Division 29.

3:49 PM Court is adjourned.

FILED IN COURT: Jury List; Preliminary Jury Instructions; Final Jury Instructions; Verdict Form (57); Stipulation and Order Re: Release of Exhibits; Juror Questions Submitted During Trial; Juror Questions Submitted During Deliberations

Appendix K

cc: Hon. Scott McDonald
F Sterling Struckmeyer, Esq.
John Andrew O'Brien, Esq.
Michael J Bloom, Esq.
Samantha O Ansinelli, Esq.
Clerk of Court - Accounting Unit
Clerk of Court - Criminal Unit
Clerk of Court - Exhibits (Not Guilty)
Clerk of Court - Imaging Unit
Pretrial Services

J. Baray
Deputy Clerk

Appendix L

U. S. Const., Amdt. V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U. S. Const., Amdt. XIV, § 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Appendix M

[Filed: Dec. 12, 2023]

KRISTIN K. MAYES

Attorney General

Firm Bar No. 14000

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Attorneys for Plaintiff

Appendix M

**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF
ARIZONA,
Plaintiff,

v.
**MUHAMMAD
SAEED (001),**
Defendant.

Case No: CR20235154–001

93 SGJ 109

DIRECT INDICTMENT

CHARGING VIOLATIONS OF:

**COUNTS 1; 34; 37; 45; 51; 62;
67; and 72: FRAUDULENT
SCHEMES AND ARTIFICES,**
Class 2 Felonies, in violation of
A.R.S. §13–2310;

**COUNTS 2–28; 38–42; and 54–
56: SEXUAL ABUSE,** Class 5
Felonies, in violation of A.R.S.
§13–1404;

**COUNTS 29–33; 35–36; 43; 46–
49; 57–58; 60–61; 63–65; 68–70;
and 73–76: OBTAINING OR
PROCURING THE
ADMINISTRATION OF A
DANGEROUS DRUG BY
FRAUD, DECEIT,
MISREPRESENTATION, OR
SUBTERFUGE,** Class 3 Felonies, in violation of A.R.S. §13–3407;

COUNTS 52–53: SEXUAL

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ASSAULT, Class 2 Felonies, in violation of A.R.S. §13–1406;

COUNTS 44; 50; 59; 66; and 71: OBTAINING OR PROCURING THE ADMINISTRATION OF A NARCOTIC DRUG BY FRAUD, DECEIT, MISREPRESENTATION, OR SUBTERFUGE, Class 3 Felonies, in violation of A.R.S. §13–3408.

The Arizona State Grand Jury accuses MUHAMMAD SAEED (001), charging on this 12th day of November, 2023, that in or from Pima County, Arizona:

COUNT 1
FRAUDULENT SCHEMES AND ARTIFICES

Between May 1, 2015, and November 30, 2018, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging V.G., by means of false or fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13–2310, 13–301 et. seq., 13–603, 13–701, 13–702, 13–703, 13–801, 13–804, and 13–811.

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**COUNT 2
SEXUAL ABUSE**

Between June 1, 2015, and June 30, 2015, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 3
SEXUAL ABUSE**

Between July 1, 2015, and July 30, 2015, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 4
SEXUAL ABUSE**

Between August 1, 2015, and August 30, 2015, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 5
SEXUAL ABUSE**

Between September 1, 2015, and September 30, 2015, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 6
SEXUAL ABUSE**

Between October 1, 2015, and October 30, 2015, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 7
SEXUAL ABUSE**

Between November 1, 2015, and November 30, 2015, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 8
SEXUAL ABUSE**

Between December 1, 2015, and December 30, 2015, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 9
SEXUAL ABUSE**

Between January 1, 2016, and January 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 10
SEXUAL ABUSE**

Between February 1, 2016, and February 28, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 11
SEXUAL ABUSE**

Between March 1, 2016, and March 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 12
SEXUAL ABUSE**

Between May 1, 2016, and May 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 13
SEXUAL ABUSE**

Between June 1, 2016, and June 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 14
SEXUAL ABUSE**

Between August 1, 2016, and August 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 15
SEXUAL ABUSE**

Between September 1, 2016, and September 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 16
SEXUAL ABUSE**

Between October 1, 2016, and October 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 17
SEXUAL ABUSE**

Between December 1, 2016, and December 30, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 18
SEXUAL ABUSE**

Between January 1, 2017, and January 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 19
SEXUAL ABUSE**

Between February 1, 2017, and February 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 20
SEXUAL ABUSE**

Between March 1, 2017, and March 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 21
SEXUAL ABUSE**

Between April 1, 2017, and April 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 22
SEXUAL ABUSE**

Between May 1, 2017, and May 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 23
SEXUAL ABUSE**

Between June 1, 2017, and June 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 24
SEXUAL ABUSE**

Between July 1, 2017, and July 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 25
SEXUAL ABUSE**

Between September 1, 2017, and September 30, 2017, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 26
SEXUAL ABUSE**

Between October 1, 2018, and October 30, 2018, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 27
SEXUAL ABUSE**

Between November 1, 2018, and November 30, 2018, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 28
SEXUAL ABUSE**

Between December 1, 2018, and December 30, 2018, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of V.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 29
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG**

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**BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between May 1, 2015, and November 30, 2018, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Clonazepam to V.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401 (6) (d) (xi), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 30
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between May 1, 2015, and November 30, 2018, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lorazepam to V.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401 (6) (d) (xxxv), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 31
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between May 1, 2015, and November 30, 2018, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Phen-termine to V.G., by fraud, deceit, misrepresentation,

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or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401 (6) (c) (lix), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 32
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between May 1, 2015, and November 30, 2018, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Dextroamp-Amphetamine to V.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401 (6) (c) (vi), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 33
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between May 1, 2015, and November 30, 2018, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Fioricet to V.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401 (6) (d) (i), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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**COUNT 34
FRAUDULENT SCHEMES AND ARTIFICES**

Between October, 2009, and September 30, 2015, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging C.P., by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§ 13–2310, 13–301 et. seq., 13–603, 13–701, 13–702, 13–703, 13–801, 13–804, and 13–811.

**COUNT 35
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between August 1, 2011, and September 30, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Alprazolam (a.k.a., “Xanax”) to C.P., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ §§13–3407(A)(6), 13–3401 (6) (d) (ii), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 36
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between August 1, 2011, and September 30, 2015, **MUHAMMED SAEED (001)**, obtained or procured

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the administration of a dangerous drug, to wit: Dextroamp-Amphetamine to C.P., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13-3407(A)(6), 13-3401 (6) (c) (vi), 13-301 et. seq., 13-701, 13-702, 13-801, 13-804, and 13-811.

COUNT 37
FRAUDULENT SCHEMES AND ARTIFICES

Between May 23, 2008, and September 7, 2011, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging L.D., by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§ 13-2310, 13-301 et. seq., 13-603, 13-701, 13-702, 13-703, 13-801, 13-804, and 13-811.

COUNT 38
SEXUAL ABUSE

On or about May 11, 2011, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of L.D., without her consent, in violation of A.R.S. §§ 13-1404(A), 13-301 et. seq., 13-701, 13-702, 13-801, 13-804, and 13-811.

COUNT 39
SEXUAL ABUSE

On or about June 8, 2011, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of L.D., without her consent, in vio-

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lation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 40
SEXUAL ABUSE

On or about July 6, 2011, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of L.D., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 41
SEXUAL ABUSE

On or about August 10, 2011, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of L.D., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 42
SEXUAL ABUSE

On or about September 7, 2011, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of L.D., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 43
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG

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**BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between January 1, 2008, and September 30, 2011, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lorazepam to L.D., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(xxxv), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 44
OBTAINING OR PROCURING THE
ADMINISTRATION OF A NARCOTIC DRUG BY
FRAUD, DECEIT, MISREPRESENTATION OR
SUBTERFUGE**

Between January 1, 2008, and September 30, 2011, **MUHAMMED SAEED (001)**, obtained or procured the administration of a narcotic drug, to wit: Oxycodone-Acetaminophen (a.k.a. “Percocet”) to L.D., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3408(A)(6), 13–3401 (20) (ttt), 13–3401 (21) (dd), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 45
FRAUDULENT SCHEMES AND ARTIFICES**

Between July 16, 2014, and November 30, 2015, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging K.D., by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§ 13–2310,

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13–301 et. seq., 13–603, 13–701, 13–702, 13–703, 13–801, 13–804, and 13–811.

COUNT 46
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between July 16, 2014, and November 30, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lorazepam to K.D., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(xxxv), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 47
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between July 16, 2014, and November 30, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Dex-troamp-Amphetamine to K.D., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(c)(vi), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 48
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG

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**BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between July 16, 2014, and November 30, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Carisoprodol (a.k.a., “Somas”) to K.D., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(v), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 49
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between July 16, 2014, and November 30, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Clonazepam to K.D., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(xi), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

**COUNT 50
OBTAINING OR PROCURING THE
ADMINISTRATION OF A NARCOTIC DRUG BY
FRAUD, DECEIT, MISREPRESENTATION OR
SUBTERFUGE**

Between July 16, 2014, and November 30, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a narcotic drug, to wit: Tramadol to K.D., by fraud, deceit, misrepresentation, or

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subterfuge, in violation of A.R.S. §§ 13-3408(A)(6), 13-3401 (20) (pppp), 13-301 et. seq., 13-701, 13-702, 13-801, 13-804, and 13-811.

COUNT 51
FRAUDULENT SCHEMES AND ARTIFICES

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging E.G., by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§ 13-2310, 13-301 et. seq., 13-603, 13-701, 13-702, 13-703, 13-801, 13-804, and 13-811.

COUNT 52
SEXUAL ASSAULT

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, committed sexual assault by intentionally or knowingly engaging in an act of sexual intercourse, to wit: Digitally Penetrating the Vagina of E.G. (First Time), without her consent, in violation of A.R.S. §§ 13-1406, 13-301 et. seq., 13-701, 13-702, 13-801, 13-804, and 13-811.

COUNT 53
SEXUAL ASSAULT

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, committed sexual assault by intentionally or knowingly engaging in an act of sexual intercourse, to wit: Digitally Penetrating the Vagina of E.G. (Second Time), without her consent, in violation of A.R.S. §§ 13-1406, 13-

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301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 54
SEXUAL ABUSE

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of E.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 55
SEXUAL ABUSE

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of E.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 56
SEXUAL ABUSE

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, committed sexual abuse by intentionally or knowingly engaging in sexual contact, to wit: touching the breast(s) of E.G., without her consent, in violation of A.R.S. §§ 13–1404(A), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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COUNT 57**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Carisoprodol (a.k.a., “Soma”) to E.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(v), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 58**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lorazepam to E.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401 (6) (d) (xxxv), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 59**OBTAINING OR PROCURING THE
ADMINISTRATION OF A NARCOTIC DRUG BY
FRAUD, DECEIT, MISREPRESENTATION OR
SUBTERFUGE**

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Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, obtained or procured the administration of a narcotic drug, to wit: Oxycodone to E.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3408(A)(6), 13–3401 (20)(ttt), 13–3401(21)(dd), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 60
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Zolpidem to E.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d) (lxxi), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 61
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between November 9, 2015, and September 15, 2016, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Alprazolam (a.k.a., “Xanax”) to E.G., by fraud, deceit, misrepresentation, or subterfuge, in violation of

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A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(ii), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 62**FRAUDULENT SCHEMES AND ARTIFICES**

Between June 2014 and May 2015, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging A.V., by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§ 13–2310, 13–301 et. seq., 13–603, 13–701, 13–702, 13–703, 13–801, 13–804, and 13–811.

COUNT 63**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between June 2014 and May 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lorazepam to A.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(xxxv), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 64**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

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Between June 2014 and May 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Carisoprodol (a.k.a., “Somas”) to A.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(v), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 65
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between June 2014 and May 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Alprazolam (a.k.a., “Xanax”) to A.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d) (ii), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 66
OBTAINING OR PROCURING THE
ADMINISTRATION OF A NARCOTIC DRUG BY
FRAUD, DECEIT, MISREPRESENTATION OR
SUBTERFUGE

Between June 2014, and May 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a narcotic drug, to wit: Tramadol to A.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3408(A)(6), 13–3401(20)(pppp), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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COUNT 67**FRAUDULENT SCHEMES AND ARTIFICES**

Between April 28, 2015, and December 9, 2015, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging S.P., by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§ 13–2310, 13–301 et. seq., 13–603, 13–701, 13–702, 13–703, 13–801, 13–804, and 13–811.

COUNT 68**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between April 28, 2015, and December 9, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Carisoprodol (a.k.a., “Somas”) to S.P., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(v), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 69**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between April 28, 2015, and December 9, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lo-

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razepam to S.P., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(xxxv), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 70
OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE

Between April 28, 2015, and December 9, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Alprazolam (a.k.a., “Xanax”) to S.P., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d) (ii), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 71
OBTAINING OR PROCURING THE
ADMINISTRATION OF A NARCOTIC DRUG BY
FRAUD, DECEIT, MISREPRESENTATION OR
SUBTERFUGE

Between April 28, 2015, and December 9, 2015, **MUHAMMED SAEED (001)**, obtained or procured the administration of a narcotic drug, to wit: Oxycodone to S.P., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3408(A)(6), 13–3401(20) (ttt), 13–3401(21)(dd), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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COUNT 72**FRAUDULENT SCHEMES AND ARTIFICES**

Between June 1, 2015, and December 12, 2019, **MUHAMMED SAEED (001)**, pursuant to a scheme to defraud, knowingly obtained any benefit, to wit: touching and/or massaging L.V., by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§ 13–2310, 13–301 et. seq., 13–603, 13–701, 13–702, 13–703, 13–801, 13–804, and 13–811.

COUNT 73**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between June 1, 2015, and December 12, 2019, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lorazepam to L.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(xxxv), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 74**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between June 1, 2015, and December 12, 2019, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit:

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Alprazolam (a.k.a., “Xanax”) to L.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(d)(ii), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 75**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between June 1, 2015, and December 12, 2019, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Lisdexamfetamine (a.k.a., “Vyvanse”) to L.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401(6)(c)(vi), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

COUNT 76**OBTAINING OR PROCURING THE
ADMINISTRATION OF A DANGEROUS DRUG
BY FRAUD, DECEIT, MISREPRESENTATION
OR SUBTERFUGE**

Between June 1, 2015, and December 12, 2019, **MUHAMMED SAEED (001)**, obtained or procured the administration of a dangerous drug, to wit: Clonazepam to L.V., by fraud, deceit, misrepresentation, or subterfuge, in violation of A.R.S. §§ 13–3407(A)(6), 13–3401 (6) (d) (xi), 13–301 et. seq., 13–701, 13–702, 13–801, 13–804, and 13–811.

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Pursuant to A.R.S. § 21–425, the Grand Jurors find that the offenses described above were committed in Pima County, Arizona.

KRISTIN K. MAYES
ATTORNEY GENERAL
STATE OF ARIZONA

True Bill
(A “True Bill”)

Dated: 12/12/23

/s/ F. Sterling Struckmeyer
F. STERLING STRUCKMEYER
Assistant Attorney General

/s/
Foreperson of the
Grand Jury

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[Filed: Jun. 4, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF
ARIZONA,
Petitioner,
and
MUHAMMAD
SAEED,
Defendant.

NO. CR20235154–001
**MOTION TO PRECLUDE
MEDICAL CONCLUSIONS,
TREATMENT PLANS OR
MEDICAL DECISIONS OF
NON-TESTIFYING
SUBSEQUENT PROVIDERS**

Assigned to: Hon. Scott McDonald

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Defendant Muhammad Saeed, MD, by and through his counsel undersigned, respectfully files the foregoing Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers. This Motion is supported by the following Memorandum of Points and Authorities.

**MEMORANDUM OF POINTS AND
AUTHORITIES**

I. FACTS

The above-captioned matter was indicted on December 12, 2023. A jury trial began in this matter on March 10, 2025. Throughout the trial, several of the patient victims involved in this matter were asked about subsequent care they received from other healthcare providers after leaving Dr. Saeed's care, for example, there was discussion that several patient-victims required subsequent substance abuse treatment after leaving Dr. Saeed's care.

Moreover, there was discussion at trial about the differences in the care given by other providers versus the care given by Dr. Saeed. The defense understands that the purpose of eliciting this testimony was to compare the course of treatment provided by other subsequent providers against Dr. Saeed's treatment and/or to make the argument that subsequent providers changed or reduced prescription medication strengths or the patient's course of treatment entirely because they disagreed with Dr. Saeed's treatment plan at best, or felt that Dr. Saeed

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was acting improperly with respect to his prescription regime, at worst.

First, the reasons that any other provider changed the course of treatment subsequent to Dr. Saeed's care is hearsay, speculation, lacks foundation, and will result in confusion. The patient victims in this case do not have a medical background and cannot testify by offering medical statements or medical conclusions about why a different, subsequent provider, the majority of whom do not have the same credentials or the scope of practice as Dr. Saeed, changed the course of a patients' treatment. There are no doctor notes or other medical information from subsequent providers sufficient to illustrate why any other medical decisions were made, or why course(s) of treatment were changed. Thus, any testimony offered from any patient-victims which offers medical conclusions about the reasons for any change of medical care after a patient left Dr. Saeed's care should not be permitted since any subsequent provider who cared for any patient-victim in this case has not been disclosed, will not testify to the reasons of any change of his or her course of treatment, and medical records underlying any subsequent change(s) to Dr. Saeed's course of treatment have not been provided. Such testimony should not be permitted in this second trial.

Some testimony about a patient's subsequent care with respect to the amounts of medication a patient received (without going into medical conclusions surrounding any reasons for the change of any medica-

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tions) arguably could be permitted. To illustrate these points, here are two examples:

Example 1: If a patient victim were to be asked about the reasons any medications were discontinued after seeing a subsequent provider, and the patient responds: “I went to Nurse Practitioner Susan right after I was done seeing Dr. Saeed, and Nurse Practitioner Susan right away stopped my prescription for XYZ medication because she said it was at a level that would cause addiction and it was also causing me to gain a lot of weight,” or, “After I left Dr. Saeed, I then saw Dr. Stewart who told me she had to have me stop taking medication XYZ right away because it I could become comatose if I took anymore.”

These are clearly examples wherein a patient victim would be offering hearsay statements, as well as medical conclusions, without appropriate foundation. The defense would object to any questioning or responses that would elicit medical conclusions from any patient victim. The medical provider is not present to testify about his or her decision making surrounding the reasons for changes in case, is not subject to cross-examination, and a patient-victim here who is repeating the conclusions of a non-testifying provider would be offering hearsay testimony.

Example 2: If a patient victim were asked on the stand: “Do you recall that you used to take XYZ medication in the amount of 50 mg twice daily?” And the response is, “Yes, I did. But

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now that I see Nurse Practitioner Susan, I only get prescribed XYZ medication at 10 mg once daily.” This second example is a narrower, and focused on the patient-victim’s own experience and knowledge without repeating the out-of-court medical conclusions of a non-testifying provider.

In this Example 2, the response would not include hearsay medical conclusions and would be limited to the patient’s own experience and knowledge alone. Dr. Saeed still respectfully asserts that the course of treatment by any other provider is not relevant to the issues in this case. First, Dr. Saeed was previously charged with felony counts relating to prescriptions he was providing to the patient-victims here, however all of those counts were adjudicated not guilty. It is extremely confusing to allow discussion about any subsequent provider’s treatment, which the State will likely use to strongly imply that Dr. Saeed’s treatment was not acceptable, when a prior jury directly found Dr. Saeed not guilty for use of the very same prescriptions that will likely be discussed in this trial again. This type of testimony is not only extremely prejudicial, it is also highly confusing, as Dr. Saeed could not reference the prior trial or the fact that he was found not guilty on counts related to those same prescriptions.

The State’s sole focus in this case should be limited to its analysis of Dr. Saeed’s care alone. This case is

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to examine Dr. Saeed's practice. This criminal case is not a civil case to find out if Dr. Saeed performed in a manner consistent with other providers and/or committed medical malpractice. The conduct and course of treatment of other providers is not relevant.

Importantly, a myriad of other reasons could have factored into why a subsequent provider decided to change any patient's course of treatment — for example, a subsequent provider who is a nurse with no training in internal medicine could have easily felt uncomfortable with providing a prescription like carisoprodol; a mental health specialist could have determined it was outside the scope of his or her practice to prescribe a prescription meant to assist with sleep, or pain. Alternatively, a patient could have experienced improved life circumstances and may have no longer needed certain pharmaceutical prescriptions, or the patient may have verbally presented an entirely different set of complaints to the subsequent provider such that the subsequent provider acted based on the new set of complaints which may have differed substantively to the physical complaints shared to Dr. Saeed at the start of treatment. Any changes to treatment plans based on any of these reasons would have no bearing on whether or not Dr. Saeed violated any criminal law. Moreover, assumptions, conclusory statements, or any other assertions about the decision-making of any subsequent provider's change to any course of treatment necessarily requires speculation about what was in the mind of any other provider who changed his or

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her course of treatment. Discussion about the changes in subsequent provider treatment as compared to Dr. Saeed's is not relevant, confusing, and highly prejudicial.

Therefore, a question should not be permitted, for example, along the lines of: "And Dr. [Far-ia/Borowsky], is it your opinion that patient XYZ's medication was reduced because Dr. Saeed's prescription patterns would have caused this patient to become addicted?" Again, as noted immediately above, there could be a number of other reasons that affected the medical decision making made by another provider caring for any patient here. However, again, no medical documents surrounding other providers have been disclosed. Moreover, by allowing these sorts of conclusory statements and allegations in (i.e. that a patient-victim's care was subsequently altered because Dr. Saeed's care was harmful, or that a patient-victim required subsequent substance abuse treatment specifically because of Dr. Saeed's care), the burden of proof would be impermissibly shifted to Dr. Saeed to disprove these allegations, but who has no access to other provider's medical records and who cannot fairly cross-examine these types of assertions because no subsequent provider is present to testify.

Even if the question of Dr. Saeed's performance as compared to other providers were at issue in this case, if the State wanted to compare one provider's treatment against another, then the medical documentation surrounding both physicians' treatment would need to be provided and examined, at a mini-

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mum, if the other providers themselves are not going to be present to testify. To allow a testimony about subsequent medical providers' treatment history or changes to medical course of treatment, without having these providers present or at least providing a copy of their medical notes in disclosure, amounts to a violation of due process — Dr. Saeed would have no way to contest or disprove the strong implied allegation that any subsequent provider changed their course of treatment for any reason other than that they “disagreed” with his treatment. This is improper.

The defense previously sought medical records who provided addiction treatment to any patient-victim who claims they became addicted as a result of Dr. Saeed's care. Argument was heard on that issue on November 22, 2024. A copy of the relevant portion of that hearing is attached as **Exhibit A**, hereto. Ultimately, the Court denied access to any medical records relating to subsequent addiction-treatment providers. The defense absolutely respects that decision. However, the position taken here is that if access to medical records relating to subsequent addiction treatment for any patient-victim here was denied, then the State should not be permitted at trial to draw out testimony from anyone that: (1) Dr. Saeed's care led to a patient-victim becoming addicted and then requiring substance abuse treatment as a result. (2) Additionally, for the reasons stated herein, the State should also be precluded from arguing or eliciting testimony that a provider (doctor, nurse, etc.) chose to lower prescription course(s) of treat-

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ment following Dr. Saeed's care because Dr. Saeed's course of treatment was purportedly harmful. Again, the treating provider is not here to testify or be cross-examined, and no records are available from them, and Dr. Saeed was found not guilty concerning conduct surrounding his prescription practice of controlled substances involved in the patient-victim's courses of treatment. The defense has no way of possibly reviewing and contesting allegations concerning other provider's decision making, or to review and potentially contest issues surrounding subsequent substance abuse treatment.

II. ANALYSIS AND APPLICATION OF LAW AND ARGUMENT.

A. Due Process Under the United States and Arizona Constitutions is Violated, and Cross-Examination Infringed, When Statements or Conclusions are Given at Trial About a Subsequent Medical Provider Change of Course of Treatment from Dr. Saeed's Treatment, or that Substance Abuse Treatment was Provided as a Direct Result of Dr. Saeed's Care, but the Subsequent Medical Provider is Not Present to Testify and Their Records Have Not Been Disclosed.

Under the United States Constitution, Amend. V, "No person shall be held to answer for a capital, or otherwise infamous crime....nor be deprived of life, liberty, or property, without due process of law[.]" Under the 14th Amendment, "All persons born or naturalized in the United States, and subject to the

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jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Similarly, the Arizona Constitution, Article II, §4 provides that, “No person shall be deprived of life, liberty, or property without due process of law.”

Federal and State constitutions “protect a defendant’s due process right to cross-examine witnesses...This guarantee includes the opportunity to “prove a witness’s motive or bias.” *State v. Parkinson*, 554 P.3d 1, 6 (2024). This “right of cross-examination is more than a desirable rule of trial procedure. It is implicit in the constitutional right of confrontation, and helps assure the ‘accuracy of the truth-determining process.’” *Id.* (citing *Chambers*, 410 U.S. at 295)). The Court of Appeals has held that “cross-examination.. is especially important where, as here, ‘the credibility of a key government witness is the central factor to be weighed by the trier of fact.’” *Id.* Further, “although trial courts retain wide latitude to impose reasonable limits on cross-examination based on, among other things, confusion of the issues...any denial or significant diminution of a defendant’s right to confront and cross-examine witnesses ‘calls into question the ultimate integrity of the factfinding process.’” *Id.*

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The test to determine whether a trial court's limitations are reasonable is "whether the defendant has been denied the opportunity of presenting to the trier of fact information which bears either on the issues in the case or on the credibility of the witnesses." Parkinson, 554 P.3d at 7. In making this determination, "the rules of evidence must not be applied mechanistically to reach an unjust result." *Id.*

Here, Dr. Saeed sought access to medical records which would show any substance abuse care provided to any patient-victim in this case who claims to have become addicted as a result of Dr. Saeed's care. Dr. Saeed wanted to review what symptoms were being presented prior to receiving such treatment, and whether the medical records showed any indication that substance abuse care was being given due to any other cause. During the first trial, there were admissions regarding uses of alcohol and other substances, which further supports this prior inquiry. After oral argument on this issue, the Court declined to allow the disclosure of any medical records concerning substance abuse treatment regarding any patient-victim in this case.

In light of the Court's ruling, Dr. Saeed respectfully urges this Court to determine, then, that no argument or testimony should be permitted to directly state or imply that Dr. Saeed's care of any patient-victim actually caused substance abuse and subsequent substance abuse treatment. There are no medical records which Dr. Saeed and his expert can review, and disclosed no evidence demonstrating that substance abuse treatment was obtained as a

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result of Dr. Saeed's care, and which occurred after the patient left his care. Similarly, Dr. Saeed objects to any statements, direct or implied, suggesting that the reason that any other treatment provider changed his or her course of treatment was because the subsequent provider found Dr. Saeed's care to be harmful, inappropriate, et cetera, for the same reasons.

To allow these sorts of allegations to come in, but to deny access to documents that would allow for any meaningful review and possible cross-examination, amounts to an unduly harsh restriction to Dr. Saeed's right to a fair cross-examination, and therefore a violation of due process under both the Arizona and United States Constitutions.

B. Relying Upon Statements or Conclusions Surrounding the Reasons Why a Non-Testifying Subsequent Medical Provider Changed His or Her Course of Treatment Necessary Implicates the Medical Conclusions of the Non-Testifying Medical Provider, Which Amounts to a Hearsay, Speculation, Lack of Foundation Given that Subsequent Provider Medical Notes Have also Not Been Disclosed.

Generally speaking, hearsay is not permitted at trial. See Rule 802, Ariz. R. Crim. P. ("Hearsay is not admissible unless any of the following provides otherwise[:] an applicable constitutional provision or statute; these Rules; or other Rules prescribed by the Supreme Court."). Under Rule 801(a), Ariz. R. Evid., a "Statement" is defined as "a person's oral assertion,

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written assertion, or nonverbal conduct, if the person intended it as an assertion.” A “declarant” means “the person who made the statement.” *Id.* at (b).

Rules 803 and 804, Ariz. R. Evid. list several exceptions to the rule against hearsay. Under Rule 803(4), Ariz. R. Evid., a statement that “is meant for — and is reasonably pertinent to — medical diagnosis or treatment; and describes medical history; past or present symptoms or sensations; their inception; or their general cause,” is not hearsay.

With respect to statements made under Rule 803(4), Ariz. R. Evid., the case law suggests that that Rule contemplates a testifying treating provider testifying to out-of-court statements made by a patient-victim to the provider.

However, the case law does not indicate that Rule 803(4), Ariz. R. Evid. allows for a patient-victim to testify at trial about the patient-victim’s understanding of out-of-court diagnoses, treatment plans, medical rationale, or medical conclusions made by a *non-testifying treating provider* to the patient-victim in the course of their treatment and prior to trial. If this were the case, then presumably any injured patient or victim in any case could use Rule 803(4), Ariz. R. Evid. to testify to their provider’s reasons and conclusions about medical care the patient received, without requiring the provider’s presence, or even their medical documentation, at trial, to support the patient’s own testimony. This would have wide implications not only in criminal cases, but also, for example, in car accident cases, medical malpractice cases, and any number of other contexts

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both civil and criminal. The application of Rule 803(4), Ariz. R. Evid. should not be so broadly interpreted.

Instead, again, the case law appears to indicate that Rule 803(4), Ariz. R. Evid. is limited to statements made by a testifying medical provider concerning statements that a patient/victim previously made to the provider in the course of seeking treatment — those statements may not be considered hearsay under the Rule. See, e.g., *State v. Lopez*, 217 Ariz. 433, 435–36 (App. 2008) (finding that Rule 803(4), Ariz. R. Crim. P. applied to allow a registered nurse who treated the victim patient to testify at trial and read aloud to the jury the “graphic description of the attacker’s physical contact with [the victim],” which had been written by the victim around the time the victim was physically first examined by the testifying nurse.).

In *Lopez*, the Court of Appeals there noted that the rationale behind Rule 803(4), Ariz. R. Evid. is that “practitioners will seek and patients will give reliable information to further necessary treatment.” *Lopez*, 27 Ariz. at 436. A two-part test is applied to determine admissibility under this exception, which requires a court to consider: (1) whether the declarant’s apparent motive...[was] consistent with receiving medical care; and (2) whether it was reasonable for the physician to rely on the information in diagnosis or treatment. *Id.* at 435 (ellipses in original).

In resolving the issue as to whether or not the nurse could have testified to the patient-victim’s statements about her attacker (made at or around

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the time of the examination), the *Lopez* Court determined that the victim's "apparent motive in making the statements was consistent with receiving medical care," (i.e. receiving medication for potential infection or sexually transmitted disease), and secondly, it "was reasonable for a physician to rely on the information [the victim gave] in diagnosis or treatment." *Lopez*, 27 Ariz. at 437.

In another, similar case, Dr. Miller testified at trial that her patient, a child referred to as "C," told her that "Jesse did it," in response to her questioning him about several lesions discovered on his leg during the course of a physical examination. *See State v. Sullivan*, 187 Ariz. 599, 600 (App. 1996). Just like in the *Lopez* case, in *Sullivan* the treating provider (this time a doctor), was actually present to testify. The question essentially boiled down to whether or not Rule 803(4), Ariz. R. Evid. permitted the patient-victim's *provider* to testify to the out-of-court statement made by the patient-victim to that provider. *See Sullivan*, 187 Ariz. at 600 ("Appellant contends the trial court erred in admitting C's statement to Dr. Miller that "Jesse did it," arguing it was hearsay not within the exception of Rule 803(4).").

On appeal, the Court of Appeals in *Sullivan* found that Dr. Miller was able to testify to the statement that the patient-victim had made to her. *Sullivan*, 187 Ariz. at 602. Even though the *Sullivan* Court found that the statements made by Dr. Miller were admissible under Rule 803(4), Ariz. R. Evid., the Court still cautioned in that context that "the trial court should admit hearsay statement identifying a

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perpetrator or attributing fault only when the state demonstrates under Rule 803(4) that they are relevant to diagnosis or treatment.” *Id.*

Here, in addition to the Due Process arguments raised previously and raised herein, any statements from any patient-victim in this case which seeks to share the opinions, diagnoses, or rationale behind any treatment plans or treatment decisions made by any other provider would constitute out-of-court statements used to assert the truth of the matter asserted by an individual other than the treating provider themselves. Such testimony violates the rule against hearsay. Moreover, no exception applies to permit this kind of testimony.

The only exception that could be arguably applicable on its face might be Rule 803(4), Ariz. R. Evid. However, the case law reveals that that Rule is meant to apply to the statements *providers* might make about the out-of-court declarations made by their patient-victims in the course of treatment. Here, no other providers who provided any differing treatment plans which could be contrasted against Dr. Saeed’s plans are present to testify, and none have been disclosed. The State has also not disclosed sufficient information about the medical files regarding the patient-victims in this case as they relate to any other care received by any other provider — which means that Dr. Saeed does not have sufficient information to review and rebut any assertion that a patient-victim here received different care specifically “because” another provider actually determined that Dr. Saeed’s care was deficient.

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The State's experts can be called to provide their expert opinions about Dr. Saeed's care. But neither the State's experts nor the patient-victims in this case should be permitted to state that the "reason" that any other provider likely provided different care than Dr. Saeed was "because" the other provider must have determined Dr. Saeed was deficient in some way, "because" the patient-victim was diagnosed with substance abuse which warranted an entirely new treatment, or "because" another provider found, or was concerned, that Dr. Saeed was purportedly seeking to cause his patients to become addicted to any medication. Such testimony necessarily rests upon out-of-court statements and conclusions by providers who have never been disclosed and are not called to testify here. Due process under the United States and Arizona Constitutions would require, at a minimum, that medical documents relating to any other provider's decision-making surrounding any change of treatment be provided in order to properly prepare a defense to such accusations.

Dr. Saeed is unable to review in any way what symptoms were presented to any subsequent provider, whether the same could or could not be in any way attributable to the course of treatment he had prescribed to any patient-victim. Some of the victims admitted to using their prescriptions in a manner inconsistent with treatment, for example by consuming alcohol or other drugs, and it is therefore unclear whether any patient received substance abuse treatment directly due to Dr. Saeed's care, or for oth-

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er reasons, or in combination (i.e. substance abuse treatment for alcohol use, or dual treatment for alcohol use and prescription use, or treatment to address prescription use alone). Any statement that Dr. Saeed caused prescription substance dependency in any patient-victim which then led to subsequent substance abuse treatment would also unfairly and inappropriately shift the burden of proof in this case to Dr. Saeed, who would then have to disprove those allegations but who has no medical records to review on that point. This is extremely prejudicial, and separately, violates due process.

III. CONCLUSION

For the reasons stated more fully hereinabove, Dr. Saeed respectfully requests this Court to grant the foregoing Motion. In order to succinctly state the evidence which is sought to be precluded by this Motion, the following list is respectfully provided for the Court's consideration:

1. The patient-victims in this case should be precluded from testifying that they became addicted as a direct result of Dr. Saeed's treatment and which necessitated participating in any subsequent substance abuse treatment.
2. The State should also be precluded from arguing or eliciting testimony that a provider (doctor, nurse, etc.) chose, or likely decided, to lower prescription course(s) of treatment following Dr. Saeed's care because Dr. Saeed's course of treatment was purportedly harmful.

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RESPECTFULLY SUBMITTED this 4th day of
June, 2025.

**ANSINELLI LAW,
PLLC**

**MICHAEL J. BLOOM,
P.C.**

By: *Samantha Ansinelli*
Samantha Ansinelli, Esq.
Attorney for Muhammad
Saeed, MD

By: *Michael J. Bloom*
Michael J. Bloom, Esq.
Associate Counsel for
Muhammad Saeed, MD

Copy of the foregoing filed and emailed
this 2nd day of June, 2025, to:

Honorable Scott McDonald
Superior Court — Pima County

Copy of the foregoing emailed
this 2nd day of June, 2025, to:

Sterling Struckmeyer, Esq.
Arizona Attorney General's Office

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EXHIBIT A

is the motion for disclosure. This was filed on November 8th. As I understand, items 1, 2, 3, 5, and 6 are resolved; 4, 7, and 8 are not. I think there was a typo in the supplement regarding the avowal of counsel, but I think I've kind of gone through. I think I understand. So 4 is the medical records of the listed victims. 7 is board information relating to Dr. Faria, and 8 is an authorization to subpoena records relating to essentially the engagement letter between Mr. Rabb and V.G.

MR. STRUCKMEYER: Correct, Judge. That's my understanding as well.

THE COURT: Okay. Let's hear — the Court will hear the motion for disclosure, which was filed on November 8th. The first item the Court will hear is item number 4 of that motion, which is medical records of the alleged victims. Let me hear from Mr. Bloom, Ms. Ansinelli.

MR. BLOOM: Judge, and let me begin by saying I am recently new in the case and I've reviewed the — I'll speak up — I'm doing as best I can. I believe some of the victims were referred to Dr. Saeed by their primary care doctors.

An issue in this case — and there are several issues in this case — one is the State's experts claim he's a psychiatrist. He has no reason to do a physical examination.

We don't have the notes of what the referring doctors referred the patients to Dr. Saeed for. We don't know — one of the things that Dr. Faria says

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is, well, he started some of these patients on a fairly high dosage. I disagree. I would have started at a lower dosage.

That assumes the patients haven't already been on some medication. I'm not arguing that these records be admitted. I'm saying they have to be looked at so that we can see if these things matter. All I have asked for is an in-camera inspection.

THE COURT: So, I mean, what is it, are you asking medical records to birth? What kind of medical records are we requesting? I mean, the term medical records is there, but what does that mean?

MR. BLOOM: That's a good point, Judge.

THE COURT: The last thing I want to do is — I mean, the medical records for a healthy, you know, ten-year-old are enough to fill this room.

MR. BLOOM: Judge, you know what? I should have been more careful when I drafted this. I would ask — I would limit it as follows, maybe Sterling will agree with this — any patients that were referred to Dr. Saeed by an earlier doctor, a primary care doctor, for instance, or any other doctor, I think that doctor's medical records have to be disclosed.

The second thing is, at least one and maybe more of the patients said that they became addicted to drugs and had to get weaned off drugs later. If they were treated by an addiction or other doctor for addiction subsequent to seeing Dr. Saeed, I think the Court should review those records. They may be relevant.

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I agree with the Court that we're not asking wholesale 20 years ago you had your tonsils out. We don't need those kinds of records, and I should have been more careful.

THE COURT: What is the relevance — let me go through. I mean, you've talked about it a little bit with regards to patient referred, and I'll — if you're okay, I'd like to hear from Mr. Struckmeyer on that and then I'll give you an opportunity to be heard.

MR. BLOOM: Sure.

THE COURT: Before you sit down — I don't mind if you want to sit down — with regards to victims who became addicted and then you want their subsequent medical records. What is the relevance of that?

MR. BLOOM: To see if they're telling the truth. And, again, the facts are not as clear as they might be in my mind. At least one of the victims said, I got addicted to drugs because Dr. Saeed overprescribed, and it was a nightmare for me subsequently.

If that's true, that's true, and if the subsequent medical records confirm that, then that's it, but if the witness is making it up —

THE COURT: And that was — do you know which --

MR. BLOOM: I don't recall which victim it was. Maybe Sterling will know or Samantha will know.

MR. STRUCKMEYER: So, Judge, in the State's response to the motion for disclosure of medi-

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cal records was filed November 20th — I don't know if this helps -the State specifically addressed — went through, attempted to locate every single portion where a victim may have said addicted, or addiction. Looking at that, I have outlined on page 7, it's V.G. — well, it's not V.G. Essentially some of the victims discussed their opinions, their beliefs they were addicted. There's no evidence that every single one of the victims went to an addiction treatment program.

I think, specifically from the records and interviews that I was able to discover, two went to an addiction program or they said they went to an addiction program.

It was S.P. who went to a drug rehabilitation program in Mexico. And then E.G., E█████ Gione — is media present in the courtroom today? And ██████ G█████e was another victim who described having a doctor wean her off the medication. So I'd like to — I guess that's my input on who has talked about that, but I'd like to argue that as -well.

THE COURT: Understood. So, Mr. Struckmeyer, let me hear from you then as to those two points. The request would be — and, Ms. Davis, if you don't mind, we're getting a little feedback, and Ellen, who is my court reporter — could you just put yourself on mute? Do you wish to be heard or —

THE VICTIM: I'm on mute now.

THE COURT: Thank you, Ms. ██████. My apologies.

MR. STRUCKMEYER: Can you please raise your hand or something if you feel like the Court — if you want to address the Court?

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THE VICTIM: Sure. I would like to address the Court. I was one of those people that had to go to rehab after seeing Dr. Saeed.

THE COURT: Okay. Thank you. The Court will note K.D. Thank you.

MR. STRUCKMEYER: So, Judge, two things. I don't think for the stated reasons that there was an underlying physical ailment or something like that, that's just not relevant. What we're dealing with here is Dr. Saeed, the Defendant's mental state, what he knew at the time he was describing the medication he prescribed or why he was giving physical examinations.

So if there's nothing in Dr. Saeed's record or these victims didn't discuss ever talking to him about a prior, you know, physical ailment, then Dr. Saeed wasn't aware of that physical ailment either, and it's not relevant to the case. If he doesn't know about it then — him knowing about it now doesn't change what he did in his conduct at the time that it occurred, Judge.

So I guess that's the State's feeling on relevance with regards to anything specifically in the physical records. And even if victims had come to him and said, oh, yeah, you're right, I have lower back pain, or, yeah, you're right, I have a sciatic nerve, at no point is it ever indicated in Dr. Saeed's records or for victims that even followed up with primary care physicians that he asked for additional records, that he went and sought out additional records. So to the extent the victims may have provided him with information about — a physical ailment,

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that's what he had and that's how he treated them. He didn't go and get additional victim records regarding this.

So it's just not relevant as to what may have occurred prior to this. It's specifically about what the Defendant knew at the time he provided it. So the conduct that he provided in giving physical examinations based on what he knew and what he knew about any kind of psychiatric care in order to prescribe medications. He never required or asked for any of this information. There's nothing in the record about that.

So that's the State's position.

To the extent that the Defense is asking for victims' medical records with regards to statements made about addiction, I think, and that's why I provided the statements in the State's response, is because those statements are very generally how they feel, their opinions, their beliefs.

So whether they went to addiction therapy afterwards does not necessarily impeach them about their feeling about how they were addicted. I mean, they may have gone to an addiction therapy, which would then corroborate what they said, or maybe they didn't, but they are still addicted to drugs. It doesn't make sense that because they didn't go to an addiction therapy, that therefore they can be impeached. No, well, you weren't addicted to drugs. I mean, they're providing an opinion and belief and certainly Defense counsel is allowed to cross-examine them about their opinion and belief, about how there's nothing to support their opinion and belief,

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how they're not an addiction therapist, how they're not an addiction specialist. I mean, that's all unfair.

So I just think what we're talking about is a mass invasion of the victims' rights to have their confidential medical records kept confidential, privileged between their doctor. I think what we're dealing with here is speculation about possible impeachment of the victims. There's nothing that I have seen from the Defendant that points to specifically how they have lied or been untruthful in the statements they provided in order to provide that information.

This is a fishing expedition in order for the Defense to attempt to obtain records. That may or may not show that the Defendant — or that the victims are saying something different from what they said at the time. I don't even think it's an impeachment of them being truthful, Judge. I just think, given the record, and if you look at the record completely, that's what it shows.

So that's why the State is asking to object to it. And I think — I'm thinking about procedurally what the request was, which is that we look to specific — I'm trying to address the — a more reasonable request, perhaps, from the Defense, and I still don't know how that's tenable because I think Dr. Saeed was a specialist in psychiatrics. So he needed — all of these patients would have needed a referral in order to go see him as a doctor.

So, presumably, all of these victims are going to have a doctor who referred him to them. So you're still opening up victim medical records for

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eight different victims and whoever those primary care doctors were. And, again —

THE COURT: Do you know how many were referred? And I don't as I sit here today.

MR. STRUCKMEYER: I don't. And that's the other thing is that the Defense's request is now asking the State to essentially go speak to each of these victims, find out if they recall who their doctors were, go and then now the State is under the duty to then go see these doctors and attempt to: subpoena records. I don't know, that seems to be a bit outside the bounds of disclosure.

But, regardless, I think if the Court is considering the addiction statements, I do think, given K.D.'s statement that she went to see an addiction specialist. And clearly that's there, and if the Defense wants to try and get records or is requesting this Court review in-camera specific records regarding victims who said they saw an addiction specialist, I think it would be appropriate for the Court to review in-camera there, with the idea of my previous argument. So if you find that the State's argument does not hold water here, Judge, then that would be the State's request.

THE COURT: Mr. Bloom, do you wish to be heard?

MR. BLOOM: Yes. First of all, I'm not asking for immediate disclosure of anything. I'm asking for the Court review. And what I would anticipate is I would file a short memorandum explaining here are the things that might be relevant to assist you in doing that review. Some of these people —

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and, again, my grasp of the facts after two weeks ain't that great — Sterling, at least two of the people said they were referred by their primary care doctors?

MR. STRUCKMEYER: At least two, to be fair.

MR. BLOOM: At least two. I don't know — I haven't gone through carefully Dr. Saeed's records yet -if somebody was referred for certain things, that would matter. Some of these people say I didn't have any back pain, I didn't have any this or that. At least my review of the record shows at least one of the victims who's complaining about being touched inappropriately was referred out for an x-ray for problems with her back.

And Dr. Saeed, by the way, right on his website, the first thing he lists is he's a specialist in internal medicine. He is also a specialist in psychiatry. He's doubly certified. I think we just need to know why they were referred.

And we would submit a memo to the Court saying, look, if they say we were just referred for ADHD and there's no physical problem, then that's the end of it. I'd also like to know were they previously on any type of medication, such that that might have been something that would have been relevant to an evaluation of what level Dr. Saeed started them on.

With respect to the addiction, if the victims claim they went to addiction therapy and this and that, and, by the way, they do in their statements, and if that's what the records show, that's what the

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records show. I wouldn't anticipate — that's all I'm going to say.

THE COURT: With regards to item 4, the Court will take the matter under advisement whether it issues an in-chambers ruling or it will rule at the December 13th hearing, but that the Court will take under advisement. The reason is, I want to try to go through I think — I don't know, but I'd like to go through the expert reports to try to see if that helps one way or another the Court to understand whether or not the request is appropriate. So the Court will take that under advisement.

Appendix O

[Filed: Jun. 9, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, Petitioner, and MUHAMMAD SAEED, Defendant.	NO. CR20235154-001 RENEWED MOTION TO PRECLUDE MEDICAL CONCLUSIONS, TREATMENT PLANS OR MEDICAL DECISIONS OF NON- TESTIFYING SUBSEQUENT PROVIDERS Assigned to: Hon. Scott McDonald
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Defendant Muhammad Saeed, MD, by and through his counsel undersigned, respectfully files the foregoing Renewed Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers. This Motion fully incorporates the substance and arguments of the original Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers (the “Motion”) herein.

The Court should consider the Motion and rule on the merits. First, no pre-trial motions deadline was set prior to this second trial. Second, the Minute Entry Order, dated June 5, 2025, cites Rule 16.1(c), Ariz. R. Crim. P. as the basis for denying the motion. Under Rule 16.1(b), Ariz. R. Crim. P., the Rule states that all motions must be filed “no later than 20 days before trial, except that lack of jurisdiction may be raised at any time.” The State’s Motion In Limine re: A.V., and the Motion to Preclude Stephen Weiss were filed on May 28, 2025, twelve calendar days prior to this trial, and thereby not meeting Rule 16.1, Ariz. R. Crim. P. Critically, the information that the State seeks to preclude as part of its May 28th Motion in Limine re: A.V. was submitted to the State with Defendant’s Third Supplemental Disclosure Statement on or about November 18, 2024 – well before the first trial, however this motion was only recently filed and clearly under the time limit imposed by Rule 16.1, Ariz. R. Crim. P.

In any event, the parties have been working diligently in the time since the last trial, and have com-

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pleted a number of tasks, including obtaining an expert witness, completing additional Rule 15 interviews, including of an additional expert witness disclosed by the State, obtaining the trial transcripts and reviewing those, obtaining transcripts of three Rule 15 interviews that were completed after the first trial and prior to this second one, rereviewing documents, and completing a myriad of other tasks. The State's Motion in Limine and the Defense's Motion to Preclude Medical Conclusions are not the work of tactics to delay, but instead follows significant other work which had to have been performed.

The substance of the Motion to Preclude Medical Conclusions, Treatment Plans or Medical Decisions of Non-Testifying Subsequent Providers should be ruled upon because the merits of the arguments raised therein are the same which could be asserted by a verbal motion during trial: hearsay, relevance, speculation, foundation, and prejudice. Dr. Saeed respectfully sought access to the patient medical records of other treating providers, especially including any of those who purportedly provided substance abuse treatment to any patient asserting that they required substance abuse treatment specifically due to Dr. Saeed's care. The State should be precluded from allowing this sort of assertion to come in, including reference to subsequent providers including those who purportedly provided substance abuse care. Dr. Saeed has no meaningful opportunity to review documents relevant to those assertions, and therefore could not put up any effective cross-

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examination to those. The remainder of the underlying Motion is fully incorporated herein.

Finally, Dr. Saeed respectfully asserts that all of the felony drug counts were adjudged to be not guilty during the first trial. The charges used to support those counts related to “obtaining or procuring a dangerous/narcotic drug by fraud, etc.” Dr. Saeed has always been uncertain (and previously argued) that that type of charge could not support the allegations made of mis-prescription practice. It was the understanding of the defense, however, that the allegations were (prior to the first trial), that Dr. Saeed prescribed all of the drugs contained within the prior drug-counts wrongfully, without basis, and/or to create “drug dependent” patients. Under that theory, a jury found Dr. Saeed not guilty of all of those counts. It is not conceivable now how the State could present evidence about the patients becoming drug dependent, requiring and later purportedly receiving, substance abuse treatment where documents relating to that care have not been disclosed, where no treating provider is present to testify and be subject to cross-examination, and where a prior jury determined Dr. Saeed was not guilty surrounding his prescription practice pertaining to those prescriptions.

Finally, Rule 16.1(b), Ariz. R. Crim. P. indicates that a lack of subject matter jurisdiction can be raised at any time. In addition to the arguments raised within the underlying Motion, Dr. Saeed respectfully asserts that there is a failure of subject matter jurisdiction to consider the substance of any allegations relating to the purported creation of

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drug-dependent patients specifically in light of the prior verdicts.

CONCLUSION

For the reasons stated more fully hereinabove, Dr. Saeed respectfully requests this Court to grant the foregoing and the underlying Motion. In order to succinctly state the evidence which is sought to be precluded by this Motion, the following list is respectfully provided for the Court's consideration:

1. The patient-victims in this case should be precluded from testifying that they became addicted as a direct result of Dr. Saeed's treatment and which necessitated participating in any subsequent substance abuse treatment.
2. The State should also be precluded from arguing or eliciting testimony that a provider (doctor, nurse, etc.) chose, or likely decided, to lower prescription course(s) of treatment following Dr. Saeed's care because Dr. Saeed's course of treatment was purportedly harmful.

RESPECTFULLY SUBMITTED this 9th day of June, 2025.

Appendix O

**ANSINELLI LAW,
PLLC**

By: Samantha Ansinelli
Samantha Ansinelli, Esq.
Attorney for Muhammad
Saeed, MD

**MICHAEL J. BLOOM,
P.C.**

By: Samantha Ansinelli,
for
Michael J. Bloom, Esq.
Associate Counsel for
Muhammad Saeed, MD

Copy of the foregoing filed and emailed
this 9th day of June, 2025, to:

Honorable Scott McDonald
Superior Court – Pima County

Copy of the foregoing emailed
this 9th day of June, 2025, to:

Sterling Struckmeyer, Esq.
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Appendix P

[Filed: Jul. 9, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, Plaintiff,	NO. CR20235154-001
and	NOTICE OF APPEAL
MUHAMMAD SAEED, Defendant.	Assigned to: Hon. Scott McDonald

Defendant Muhammad Saeed, by and through his counsel undersigned, respectfully files the foregoing Notice of Appeal, pursuant to Rule 31, et seq. Ariz. R. Crim. P. This Notice of Appeal concerns the judgments of conviction entered in the above captioned matter at the conclusion of trial, on or about June 19, 2025.

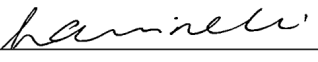
The address to send any notices, mailings etc. is 1941 East Elm Street, Tucson, Arizona 85719, and the address of counsel undersigned as noted hereinabove. There are no co-defendants associated

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with this matter. Dr. Saeed is not indigent and is not asserting indigent status.

RESPECTFULLY SUBMITTED this 9th day of July, 2025.

ANSINELLI LAW, PLLC

By: 

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and a copy submitted this 9th day of July to:

Honorable Scott McDonald
Superior Court — Pima County

Clerk of the Superior Court
Superior Court — Pima County

Copy of the foregoing mailed this 9th day of July to:

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[Filed: Sep. 8, 2025]

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Attorney for Muhammad Saeed, MD

**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA,
Plaintiff,

and

MUHAMMAD SAEED,
Defendant.

NO. CR20235154-001

**MOTION TO VACATE,
PURSUANT TO RULE
24.2(a)(1),(3), Ariz. R.
Crim. P.**

Assigned to: Hon. Scott
McDonald

Defendant Muhammad Saeed, MD, by and through his counsel undersigned, respectfully files the foregoing Motion to Vacate, Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P., Ariz. Const. Art. II §4, and U. S. Const. Amends. V, VI, XIV. This Motion is supported by the following Memorandum of Points and Authorities.

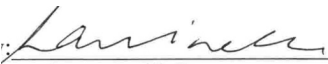
RESPECTFULLY SUBMITTED this 5th day of September, 2025.

Cite as: App. to Pet. for Cert.

App. 121

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ANSINELLI LAW, PLLC

By: 

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

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**MEMORANDUM OF POINTS AND
AUTHORITIES****I. Facts and Procedural History****A. Background Facts and Procedural History**

Dr. Saeed completed a combined residency in Internal Medicine and Psychiatry at the University of West Virginia. He ultimately practiced medicine here in Tucson, Arizona in both inpatient and outpatient settings. For example, Dr. Saeed was hired to perform psychiatric care only in an in-patient setting then known as Palo Verde Behavioral Health. Dr. Saeed also maintained a solo private practice in Tucson called “MedPsych Physicians of Arizona,” or referred to simply as “MedPsych,” — a name which was a nod to both “medicine” and “psychiatry.” The exact number of patients Dr. Saeed treated in the course of his practice at MedPsych is unclear. However, Dr. Saeed saw patients who were both male, female, young, and old. It is undisputed that Dr. Saeed only treated adults over the age of eighteen.

This case was tried before a jury twice. As the Court is well aware, the outcome of the first trial, which concluded on March 21, 2025 (the “First Trial”), resulted in not guilty verdicts of twenty-one (21) felony counts of obtaining or procuring the administration of a dangerous/narcotic drug by fraud (the “Prescription Counts”) following a ten (10) day jury trial. V.G., E.G., K.D., C.P., L.V., S.P., A.V., and L.D. were included in the then-indicted counts presented at the start of the First Trial. Ultimately, S.P., L.D., and A.V. did not appear to the First Trial,

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and the related counts were dismissed with prejudice. The jury in the First Trial deliberated more than 1.5 days before coming to their conclusion on acquitting on all Prescription Counts and remaining hung on the counts related to fraudulent schemes and artifices, sexual assault, sexual abuse.

On June 09, 2023, a jury trial commenced a second time (the “Second Trial”). V.G., E.G., and L.V. appeared to the Second Trial, and A.V. also attended as a witness. K.D. and C.P. did not attend the Second Trial, and S.P. and L.D., who had not attended the First Trial, similarly did not attend the Second. At the conclusion of the Second Trial, the jury found Dr. Saeed guilty of all remaining counts of sexual abuse, sexual assault, and fraudulent schemes and artifices as those charges related to V.G., E.G., and L.V.

B. The Prescription Counts

Throughout the case, from the earliest point, the State’s articulated theory underlying the specific charge of “obtaining and procuring drugs by fraud,” was that: “[Dr. Saeed’s proscribing [sic] practice, and the prescribing of the specific prescriptions listed in the Indictment, fell below the standard of care based on a multitude of factors, including: the combination of prescriptions provided (benzodiazepines and amphetamines), lack of documentation to support the prescriptions, and lack of discussion with the victim-patients regarding alternative treatment options or informed consent.” See *State’s Resp. to Mtn. to Remand*, pg. 6, In. 15–23 (filed April 8, 2024); *State’s Resp. to Mtn. to Dismiss (Drugs)*, pg. 3–4, In. 25, 1–5

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(filed Nov. 20, 2024) (“[T]he evidence will establish that Defendant, in his capacity as a licensed medical doctor in Arizona, provided and authorized all of the prescriptions for the drugs at issue, which allowed the victims to obtain and ingest the drugs. Whether Defendant in prescribing and authorizing those prescriptions did so by fraud, deceit, misrepresentation or subterfuge is fully supported by the evidence, and the ultimate question to be decided by the jury.”); *State’s Resp. at Oral Argument*, Tr. 63:14–25 to 64:1–21 (dated Dec. 13, 2024) (“Here’s how you would give them, uppers and downers, and this could create a drug-dependent patient. These patients also describe being drug-dependent, that’s consistent. Once you have created a drug-dependent behavior, are you then able to make them more susceptible to a physical exam that they otherwise wouldn’t be interested in, consenting to, agreeing to, merely because they need to get their prescriptions?”¹) (Emphasis added).

¹ In context, these statements were made by Mr. Struckmeyer at oral argument in response to a Motion in Limine to preclude certain conclusions made in Dr. Borowsky’s written opinion from being expressed at trial. That Motion in Limine was granted in part and denied in part. However, although Dr. Borowsky himself did not ultimately opine to these statements himself on the stand, it is clear from the State’s comments what the State’s theory of the evidence was in support of all counts, including Prescription Counts regarding obtaining or procuring drugs by fraud. This theory of the case was presented at the First Trial and Dr. Saeed was conclusively found not guilty on all of the Prescription Counts under this theory.

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Thus, the specific issue brought to the jury's attention with respect to Dr. Saeed's prescription treatments concerned whether or not Dr. Saeed's course of treatment, whether due to a single prescription or prescriptions in combination ("uppers and downers"), created drug-dependent patients who were more likely to return to his office due to a dependency causing them to need more prescriptions. Stated differently, the above-described theory underlying the Prescription Counts helped advance the State's position regarding why the patients continued returning to Dr. Saeed's office for appointments — a central question in this case. The jury in the First Trial ultimately rejected the theory, however, and found Dr. Saeed not guilty of all counts related to mis-prescription practice or prescription fraud — all allegations of which were charged under "obtaining or procuring dangerous/narcotic drugs by fraud." Notwithstanding the outcome of the First Trial, and over objection, the same theory was then again presented during the Second Trial. Dr. Saeed respectfully asserts that *res judicata* or collateral estoppel applied in this context and that Double Jeopardy was violated by allowing the same evidence, theory, and argument to be presented to the jury sitting in the Second Trial. Because the issue of a lack of jurisdiction can be raised at any time, Dr. Saeed respectfully asserts that the Court lacked jurisdiction to allow allegations relating to his prescription practice to proceed during the Second Trial. Because the verdicts were also likely impacted by other issues, Dr. Saeed re-

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spectfully raises additional concerns regarding Due Process.

II. Application of Law and Argument

Pursuant to Rule 24.2(a), Ariz. R. Crim. P., the Court “must vacate a judgment if it finds that: (1) the Court did not have jurisdiction; (2) newly discovered material facts exist satisfying the standards in Rule 32.1(e) and 33.1(e); or; (3) the conviction was obtained in violation of the United States or Arizona constitutions.” An argument concerning a lack of jurisdiction “may be raised at any time.” *See* Rule 16.1(b), Ariz. R. Crim. P.

A. Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P., and the Fifth and Fourteenth Amendments of the United States Constitutions, the Court Lacked Jurisdiction to Allow the State to Present the Same Theory, Argument, and Evidence Surrounding the Prescription Counts at the Second Trial, Given that the Same Theory, Argument, and Evidence Underlying the Prescription Counts were Adjudicated Not Guilty as a Result of the First Trial, and therefore, Principles of Collateral Estoppel, Res Judicata and Double Jeopardy were Violated Pursuant to the United States Constitution and Arizona Constitution.

Under the Fifth Amendment of the United States Constitution, “No person...shall be subject for the same offense to be twice put in jeopardy of life and

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limb, nor compelled in a criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law[.]” (Ellipses added for brevity).

The United Supreme Court has held that “collateral estoppel,” within the context of a criminal case, “means simply that when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit.” *Ashe v. Swenson*, 397 U. S. 436, 443 (U. S. 1970). Moreover, “[T]he rule of collateral estoppel in criminal cases is not to be applied with the hypertechnical and archaic approach of a 19th century pleading book, but with realism and rationality. Where a previous judgment of acquittal was based upon a general verdict, as is usually the case, this approach requires a court to ‘examine the record of a prior proceeding, taking into account the pleadings, evidence, charge, and other relevant matter, and conclude whether a rational jury could have grounded its verdict upon an issue other than that which the defendant seeks to foreclose from consideration. The inquiry ‘must be set in a practical frame and viewed with an eye to all the circumstances of the proceedings.’” *Id.*

In *Ashe*, the petitioner was acquitted of a robbery alleged to have been committed against one of six individual victims present at a poker game. Following the acquittal, the State tried the petitioner a second time, this time against a different victim and obtained a conviction at the second trial. *Ashe*, 397 U. S. at 437 — 440. The Supreme Court reversed the

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conviction, and determined that, “Once a jury had determined upon conflicting testimony that there was at least a reasonable doubt that the petitioner was one of the robbers, the State could not present the same or different identification evidence in a second prosecution for the robbery...in the hope that a different jury might find that evidence more convincing. The situation is constitutionally no different here, even though the second trial related to another victim of the same robbery. For the name of the victim, in the circumstances of this case, had no bearing whatever upon the issue of whether the petitioner was one of the robbers.” *Id.* at 446. (Emphasis added, ellipses added for brevity).

Arizona adopted the doctrine of collateral estoppel in criminal cases prior to *Ashe*. See *State v. Nunez*, 167 Ariz. 272, 277 (1991) (citing *State v. Little*, 87 Ariz. 295, 304 (1960)). The Arizona Supreme Court held that “an earlier *judgment* in a criminal case was conclusive as to all issues actually litigated and adjudicated.” *Nunez*, 167 Ariz. at 277 (emphasis in original).

Here, the State proceeded in the First Trial upon the theory, evidence, and arguments that Dr. Saeed’s course of prescription treatment rendered his patients as “zombie-like,” with clouded thinking or judgment, or even addicted to their course of treatment, such that the patients had to return to his care in order to obtain more prescriptions. The charge the State applied, as it related to this specific theory, was “obtaining or procuring narcotic/dangerous drugs by fraud.” The jury in the First Trial acquit-

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ted Dr. Saeed after considering this theory, argument, and related evidence. As such, double jeopardy attached, including principles of res judicata and collateral estoppel. The State was therefor estopped from re-litigating the same issues as they were actually decided. Notwithstanding this principle, the same theory, argument, and evidence was presented during the Second Trial but, simply, without the formal title of the charge under which the same theory was presented at the First Trial. This theory and related evidence was an important part of the Second Trial just as it was during the First. However, Dr. Saeed's rights under the Fifth and Fourteenth Amendments were violated in light of the attachment of double jeopardy, res judicata, and collateral estoppel following the First Trial. The Court lacked jurisdiction, both subject matter and procedural, to allow the same theory, argument, and evidence to advance as an issue brought before the jury in the Second Trial.

B. Pursuant to Rule 24.2(a)(3), Ariz. R. Crim. P., the United States Constitution and Arizona Constitution were Violated, including a Violation of the Due Process Clause, When Late Disclosure Was Permitted In the Midst of Trial.

Under the Fifth Amendment of the United States Constitution, "No person...shall be subject for the same offense to be twice put in jeopardy of life and limb, nor compelled in a criminal case to be a witness against himself, nor be deprived of life, liberty, or

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property, without due process of law[.]” (Ellipses added for brevity).

Under Rule 15.6(c), Ariz. R. Crim. P., “Unless otherwise permitted, all disclosure required by Rule 15 must be completed at least 7 days before trial.” Additionally, under Subsection (D), “If a party seeks to use material or information that was disclosed less than 7 days before trial, the party must file a motion to extend the disclosure deadline and to use the material or information. The moving party must file a motion to extend the disclosure deadline and to use the material or information. The moving party must file a supporting affidavit setting forth facts justifying an extension.”

Here, Sgt. Andreacola was disclosed as a witness in this case. It was anticipated that he would testify concerning his review of the authenticity of the hard drive containing surveillance video footage from MedPsych. On May 23, 2025, Sgt. Andreacola’s Report was disclosed. See **Exhibit A**, attached. Notably, the “Purpose” of the Report was “[t]o determine if the contents represent an actual image of a Samsung sdh-c75100 DVR system hard drive.” *Id.* at pg. 1. In light of Sgt. Andreacola’s anticipated testimony, Dr. Saeed hired his own expert to conduct the same scope of review, and determine the authenticity of the hard drive and its contents in the event any rebuttal expert opinion were needed. To that end, Mr. Brian Chase was hired as an expert and remained on standby, pending the outcome of the Rule 15 Interview and testimony during the State’s case at trial.

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On June 3, 2025, the parties took the Rule 15 Interview of Sgt. Andreacola. *See Exhibit B*, attached. During his interview, Sgt. Andreacola stated that “the crime lab actually asked me to look at that hard drive to determine whether it likely came from a Samsung DVR, as reported in the case.” *Id.* at 3:15–19. Sgt. Andreacola further stated: “So that was primarily — all I was supposed to be doing was that — the data that was on that hard drive — did that come from the hard drive contained in a Samsung DVR?” *Id.* at 3:21–23. The parties continued to complete the Rule 15 interview based upon Sgt. Andreacola’s experience, review, and opinions of the hard drive and the Report disclosed on May 23, 2025 which he had authored.

On the second day of trial, Tuesday, June 10, 2025, at 5:35 p.m., the State emailed an additional “report” by Sgt. Andreacola. *See Exhibit C*. Unlike the first Report, which reviewed and analyzed the hard drive for its authenticity, the June 10, 2025 email contained a PDF of a Word Document which purportedly analyzed the total number of male versus female patients treated by Dr. Saeed and the average length of time of physical examinations of patients based upon gender. The scope of this work was not previously disclosed or indicated by the State or Sgt. Andreacola, and Dr. Saeed did not have an opportunity to review this analysis through his expert to confirm similar results or whether the methods were flawed. Indeed, counsel recalls from the testimony at the Second Trial (a copy of the transcript is not available as of this writing), upon information and belief, that

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Sgt. Andreacola himself had to utilize an undisclosed software system which only took a “sample” of patients using undisclosed methodology, and was asked to perform such work on the first day of the Second Trial — work which he opined would typically take a year or more to complete.

The State had not complied with Rule 15(c) or (d), Ariz. R. Crim. P., and the evidence was allowed in at trial over the defense’s strenuous objection. More critical was Dr. Saeed’s inability to conduct a similar analysis and review of the June 10, 2025 disclosed report via his expert, he was unfairly surprised that the scope of this work was going to be completed, he was unable to determine or review the underlying methodology or software used to create the June 10, 2025 report, and he was denied a reasonable opportunity to prepare a complete cross-examination as a result. Similarly, Dr. Saeed did not have time to review each patient’s file to determine which complaints were being raised as to each patient, which would have been helpful to determine to what extent certain patients needed longer or shorter examination room visits depending on the respective complaints. In short, a complete analysis could not be done when the June 10, 2025 report was disclosed on the evening of the second day of the Second Trial, and it should have been precluded in its entirety. Dr. Saeed was prejudiced in light of these facts. Moreover, this evidence formed a significant part of the State’s case, as the State strongly relied upon the June 10, 2025 report in trial and, upon information

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and belief, during closing arguments as well in order to obtain a conviction.

C. Pursuant to Rule 24.2(a)(3), Ariz. R. Crim. P., the United States Constitution and Arizona Constitutions Were Violated, including a Violation of Due Process and Cross-Examination Related Rights, When Cross-Examination was Unduly Restricted.

i. Constitutional Rights Regarding Cross-Examination, Generally

Under the Fifth Amendment of the United States Constitution, “No person...shall be compelled in a criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law[.]”

Under the Sixth Amendment of the United States Constitution, “In all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor[.]” (Ellipses added for brevity). Under the Fourteenth Amendment of the United States Constitution, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Similarly, under Article II, Section 24 of the Arizona Constitution, “In criminal prosecutions, the ac-

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cused shall have the right to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf[.]” Under Ariz. Const. Art. II §4, “No person shall be deprived of life, liberty, or property without due process of law.”

The United States Constitutional guarantees is the right of any defendant to confront his accuser. *See, e.g., Olden v. Kentucky*, 488 U.S. 227, 109 S.Ct. 480 (1988); *Smith v. Illinois*, 390 U.S. 129, 88 S.Ct. 748 (1968) (Sixth and Fourteenth Amendments provide the right to cross-examine an informer who was a key prosecution witness); *Davis v. Alaska*, 415 U.S. 308, 94 S.Ct. 1105 (1974) (defendant denied right of confrontation when prohibited from cross-examining a primary prosecution witness to demonstrate his probation status, despite a state practice of protecting the anonymity of juvenile defenders). *See also, Chambers v. Mississippi*, 410 U.S. 284, 93 S.Ct. 1038 (1973). In Arizona, Courts have been vigilant in ensuring that a defendant enjoys the right to a thorough cross-examination, and reversal occurs when that right is unduly restricted. Although the trial court has discretion in deciding questions of the scope of cross-examination, the policy in this state has always been to allow a broad scope of cross-examination. Moreover, since the right is guaranteed by the Constitution, a conviction will be reversed if cross-examination has been unreasonably limited. *See State v. Dunlap*, 125 Ariz. 104, 105, 608 P.2d 41, 43 (internal citations omitted).

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ii. Cross-Examination was Unreasonably Limited and Prejudice Resulted When the Patient-Victims Were Permitted to Allege that Dr. Saeed Had Impaired their Physical and/or Mental State During his Treatment but Medical Records from Medical Providers Who Had Immediately Treated the Same Patients, Simultaneously Treated the Same Patient Victims, or Had Treated the Same Patient Victims Immediately After Dr. Saeed, Were Precluded from Being Sought, Disclosed, or Reviewed.

As the Court is aware, the investigation of this case essentially began on or about January 03, 2019, when V.G. arrived to a local police station and made a complaint that she had been receiving sexually inappropriate care from Dr. Saeed, which she claimed began on her very first appointment in May 2015. An investigation was thereafter opened. E.G. was contacted and interviewed on or about August 17, 2021, and L.V. was contacted and interviewed in or around October 2021². No patient victim other than V.G. had made a report to police at any point during their care or prior to being contacted.

In the course of the investigation, Dr. Saeed and his then-counsel were responsive to two administrative subpoenas (dated October 21, 2021 and Decem-

² Discussion as it relates to this Motion is largely focused as to V.G., E.G, and L.V. given that the convictions in this matter related to these three patient victims.

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ber 01, 2021, respectively) provided in the course of the investigation. Dr. Saeed responded to each and produced the requested patient records pursuant to the same (with the exception of A.V.'s, given that the retention period had expired before the request for that patient's records were made). Later, on April 06, 2022, Dr. Saeed, through his then-counsel, referenced in a letter that although they were not made privy to the nature of the investigation, Dr. Saeed still provided an unqualified and unlimited offer to waive any Fifth Amendment rights and testify before any Grand Jury about any allegation from the State. *See Exhibit D*, pg. 3.

Upon information and belief, Dr. Saeed never received a response to his April 06, 2022 correspondence. He had actually assumed that the State had discontinued its investigation and that the State's inquiry was satisfied after having reviewed the patient records that he had sent. Over a year later, however, the matter was presented to the Grand Jury on or about December 12, 2023 and an indictment resulted. Dr. Saeed respectfully wishes to assert that he believes that this case may have begun with the erroneous assumption that Dr. Saeed was only ever certified to practice psychiatry (and not internal medicine). **Exhibit E**. Indeed, it appears that Dr. Saeed's dual certification in both psychiatry and internal medicine was not made apparent until nearly a year into the case. While this particular point is not necessarily critical to the foregoing Motion, Dr. Saeed simply wishes to make the point that the original charges in this case perhaps originated, in part,

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from an initial misunderstanding of the scope of his practice, including the sort of medications he could prescribe.

In any event, based on the review of the patient records, V.G. attended scheduled appointments with Dr. Saeed from on or about May 18, 2015 to December 11, 2018, for approximately 60 visits; E.G. attended appointments with Dr. Saeed from September 09, 2015 to September 15, 2016 for approximately 14 total visits; and L.V. attended appointments with Dr. Saeed from June 01, 2015 through December 12, 2019 for approximately 52 total visits.

During Dr. Saeed's treatment of V.G., L.V., and E.G., he noted that all three had simultaneously received concurrent treatment with other providers at various times. On occasion, he had also directly referred these patients to other medical providers (such as Sonora Lab Quest; x-ray imaging with another doctor). For example, E.G. saw provider Helen Hess in Tucson in August and September 2015, immediately before receiving treatment from Dr. Saeed. During her care with Dr. Saeed, she had also seen providers Cynthia Reilly (in October 2015), a Brandon Pettit (October 2015), and Audrey Shaeffer (December 2015), each of whom had also prescribed her prescription medication. Immediately following concluding treatment with Dr. Saeed, she received care from an Amon Kahane, beginning November 2016 through at least mid-2018. E.G. testified that she had ultimately moved from Tucson to Phoenix and began a job there — which she was successfully

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able to apply for, and obtain, while under Dr. Saeed's treatment.

Similarly, Dr. Saeed sent V.G. to Sonora Lab Quest on May 25, 2015. He documented that she had gone to a local hospital around July 14, 2015 due to chest pain, and that she received an EKG. Dr. Saeed also documented that V.G. was also seeing her PCP, who had also given her a prescription. On August 18, 2015, Dr. Saeed documented that V.G. was going to see a dentist to have her wisdom teeth extracted. On or about August 20, 2015, a Dr. Kaiser and a Dr. Gomez both provided prescriptions for V.G. related to her wisdom teeth extraction. On November 17, 2015, Dr. Saeed documented in a visit note that V.G. had seen a gynecologist "yesterday." On January 12, 2016, Dr. Saeed documented that a Dr. Ruben Toles saw V.G. and had obtained blood work. On June 16, 2016, V.G. indicated that she had seen a TMJ specialist by the name of Dr. Touse, etc., etc.

With respect to L.V., by way of example, Dr. Saeed referred her to Tucson Medical Center for an x-ray of the lumbosacral spine on or about July 27, 2015. This was apparently responsive to her concern of lower back pain. L.V. saw Dr. Siwik there. On August 11, 2015, Dr. Saeed documented that L.V. was also seeing a "Merylin Lewi" for "EMDR" once per week. On or about January 06, 2016, L.V. went to Tucson Medical Center to be treated for severe bronchitis. On or about May 10, 2016, L.V. went to Tucson Medical Center again, this time for tonsillitis. Dr. Saeed documented the same date that L.V. had

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an appointment with an ENT scheduled for June 7, 2016. On September 08, 2016, Dr. Saeed indicated that L.V. was seeing a Renee Johnson for cognitive behavioral therapy. Renee Johnson's name appeared periodically throughout Dr. Saeed's patient progress notes, as L.V. continued to receive cognitive behavioral therapy from her. On July 27, 2017, L.V. indicated she was seen by a Dr. Bessett, who believed she might have Potts disease. On October 20, 2017, she later indicated that a cardiologist determined that she did not have Potts disease, and she further indicated she had an appointment with a neurologist slated for November 07, 2017. L.V. ultimately testified that she had left treatment with Dr. Saeed in 2019 when she decided to move to California with her boyfriend.

All medical professionals with prescribing authority had the capacity to review not only the respective patients' condition, but also had the ability to review the patients' prescription orders and history upon the Arizona Prescription Monitoring Program ("PMP") database. It is not apparent that a single medical provider with respect to A.V., E.G., L.V. or V.G. had ever expressed any concerns about either patient's condition, appearance, or the course of their prescription regimen. Similarly, no pharmacist apparently ever called into question the amount or combination of any prescription medication ordered by Dr. Saeed.

On November 8, 2024, Dr. Saeed filed Motion for Disclosure which sought the disclosure of medical records of doctors or other medical providers who re-

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ferred each patient victim to Dr. Saeed. *See Motion for Disclosure* at pg. 7–9. The Motion also sought medical records from any medical providers who may have provided any subsequent medical treatment, particularly as it related to any substance abuse treatment. *Id.* Following oral argument, the Motion for Disclosure was denied.

Ultimately, testimony was elicited from V.G., L.V., and/or E.G. at trial that they had either never had exposure to a psychiatrist before treatment with Dr. Saeed and/or ended up becoming “zombie-like” or addicted to the prescription medication regimen he prescribed during their respective care. These were strong allegations presented against Dr. Saeed, however he had no ability to rebut these allegations given that he had no ability to have any review medical records from any other medical provider, including medical providers who had seen any patient victim immediately prior, during, or immediately after, they received care from Dr. Saeed. Therefore, Dr. Saeed could not seek to call any other medical provider to the stand and/or review their notes concerning the impressions they had of the respective patient victims in this case. For example, if another provider who had seen L.V. during her treatment with Dr. Saeed had indicated (by way of example only) that L.V. “appeared wellgroomed, cheerful, and was advised to continue her ongoing course of medications with Dr. Saeed as prescribed,” that sort of progress note from another doctor who had seen L.V. (or any other patient) during Dr. Saeed’s care would have directly contradicted the premise that she was re-

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ceiving a toxic and inappropriate combination of medications, the premise of any allegation that she was so zombie-like or intoxicated at that period of time in her life that she was incapable of thinking clearly, and would have challenged the premise of any direct or implied allegations that Dr. Saeed was “drugging” or creating a “drug-dependent patient.”

Throughout both trials, the State elicited testimony from each of the patient victims which put Dr. Saeed’s care, treatment, and the medical conditions of each patient victim directly at issue. Dr. Saeed primarily asserts that the very same allegations concerning alleged prescription malpractice or criminal mis prescription practice (the same allegations which had been alleged in the First Trial) should not have been permitted in the Second Trial because of the judgments of acquittal. Notwithstanding this argument, Dr. Saeed further asserts that he should have been granted the opportunity to review medical records from other providers since the patient-victims were going to testify about the state of their condition specifically during, and as a result of Dr. Saeed’s care. The medical records from other medical providers would have indicated, from their perspectives, what the condition of each patient was really like during the relevant period of time, including whether or not the patient appeared to be intoxicated, unable to understand, clear-minded, in great condition, in need of substance abuse treatment, or otherwise. The information gleaned from these records could have allowed for either party to call witnesses, where relevant, to discuss the pertinent rec-

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ords and information. To the extent other medical records exist which would indicate that the patient victims were doing quite well during the time of Dr. Saeed's care, and/or that the same individuals were told to continue their treatment regime with Dr. Saeed, the same information would have laid the groundwork for critical cross-examination to rebut their allegations.

In the same vein, much of the testimony include statements that the prescription L.V., A.V., E.G., and V.G. received from Dr. Saeed either directly caused them to become addicted to the prescription medication Dr. Saeed prescribed, or that the prescription regime prescribed by Dr. Saeed rendered them so "zombified" or out-of-it that the patients were unable to think and/or communicate clearly during the relevant period of time. This theory, argument, and lines of testimony and evidence were introduced both during the First and Second Trials. Even setting the outcome of the First Trial aside, Dr. Saeed respectfully separately asserts that the preclusion of any ability to obtain and review medical records from other providers resulted in prejudice and denied his due process right to a full and fair cross-examination.

***iii. DUI Conviction and Police Reports
Regarding E.G.***

Dr. Saeed respectfully asserts that the police reports relating to a December 06, 2015 incident (concerning events surrounding E.G. being found by officers, problems remembering where she was and how she had arrived there, and indications of alcohol

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use, and being taken to a local hospital) should have been permitted to have been asked about in the course of cross-examination. Importantly, this incident took place in the middle of Dr. Saeed's treatment of E.G. (E.G. had appointments with Dr. Saeed from September 9, 2015 — September 15, 2016). To the extent E.G. testified that Dr. Saeed's treatment of her led her to become addicted and/or incapable of making decisions or thinking clearly, evidence of unprescribed alcohol use on personal time would have provided critical facts for the jury to determine whether any intoxication during the relevant period was due to prescription intoxication or something else.

Similarly, Dr. Saeed respectfully asserts that he should have been able to inquire, during cross-examination, of E.G.'s memory, knowledge, and awareness of Scottsdale Department Report #1621981 and related conviction for DUI in the Scottsdale City Court in M-0751-CR-2016020168. The jury were not able to hear cross-examination or evidence that E.G. had been pulled over on or about October 01, 2016 at 1:27 a.m., that during the subsequent arrest she had accused an officer of pulling her shirt down, and that she had subsequently signed a Plea Agreement in the above-reference case number to one count of DUI and one count of "false information." Her signature signing a Plea Agreement for criminal false information is directly relevant to matters involving her credibility, and the jury should have been able to assess the same. Because this information was precluded, the jury were not able to

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consider the full context or cross-examination, including matters involving credibility, and the ability to weigh and determine whether any substance abuse concerns could have related to prescription misuse as opposed to, perhaps, alcohol use, all of which prejudiced Dr. Saeed and prevented the jury from adequately considering credibility fully.

iv. E.G.'s Knowledge Concerning Dr. Saeed's Scope of Practice

During the First Trial, a significant topic of discussion during the cross-examination of E.G. related to her understanding of Dr. Saeed's scope of practice prior to having an appointment with him. The testimony from the First Trial indicated that E.G. was referred to Dr. Saeed by her friend, K.D. (who appeared as a patient-victim in the First Trial), and that the two apparently had a conversation wherein K.D. informed E.G. to expect a physical or "massage." E.G. apparently still booked her first appointment. Upon information and belief, an objection by the State was sustained during trial which precluded questioning about E.G.'s knowledge and understanding about Dr. Saeed's practice prior to her first appointment.³

v. Photographs

Three of the patient victims, A.V., E.G., and K.D., were friends with each other and received care from Dr. Saeed during overlapping periods of time and while all three were students at the University of Ar-

³ This Section may be supplemented or amended.

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izona. Photographs were disclosed pre-trial which showed the three friends together in close proximity, indicating a high degree of familiarity, as well as occasionally with beverages in hand, indicating that alcohol may have been voluntarily consumed at the time of treatment with Dr. Saeed and which may have caused any described feelings of intoxication as opposed to the course of prescribed medical treatment. The State objected to the use of any social media photos, arguing that a number of the photos showed A.V., E.G., and K.D. in states of undress which could be embarrassing.

Prior to trial, the defense had indicated an intent to limit the photos to avoid embarrassment and to focus cross-examination on the friendship insofar as any allegations could have been influenced in any way by one another, as well as photographs involving possible drinking of alcohol, to examine the use of alcohol as a reason for any feelings of intoxication separate and apart from the course of prescription medication. Dr. Saeed is fully in agreement that the most provocative photographs should not have been shown, but that the photographs could have been limited to several which demonstrated the foregoing two points without undue embarrassment and that preclusion of every single photograph perhaps resulted in a restriction of the cross-examination which could have further supported the point that alcohol was potentially a factor causing feelings of intoxication during the relevant period as opposed to any prescribed course of treatment.

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vi. Testimony of Sabina Saeed

Dr. Saeed respectfully asserts that Ms. Sabina Saeed was aware, and had matters within the scope of her personal knowledge which should have been permitted as it related to the issuance of the underlying bench warrant, the surveillance footage, and correspondence with the State. A copy of Ms. Saeed's Declaration is attached as **Exhibit F**.

vii. Preclusion of Mr. Weiss as a Witness

Mr. Weiss is an attorney in Tucson, Arizona who is aware of the background legal context as it relates to statutes of limitations for civil malpractice claims against doctors, and statutes of limitations regarding claims for damages following a criminal matter. Mr. Weiss was precluded prior to the Second Trial. Dr. Saeed respectfully contends that the context Mr. Weiss would have testified to would have assisted the jury in determining whether any financial motivation played any part in this matter. Dr. Saeed makes this argument, in particular, in light of the juror letter following the conclusion of the First Trial, which indicated that at least two of the jurors recognized financial motivation as a reason, or perhaps even the sole reason, for declining to find any counts against Dr. Saeed. As such, Dr. Saeed respectfully asserts that the area of testimony Mr. Weiss would have provided would have been helpful to educate the jury about relevant contexts concerning restitution and damage claims which the jury could have considered in tandem with evidence about whether V.G. was financially motivated or not when

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she arrived with a civil attorney to make a report following approximately 60 visits at Dr. Saeed's office.

viii. Medical Records Pertaining to A.V.

First, upon information and belief, A.V. had appointments with Dr. Saeed from on or about October 15, 2014 through on or about May 07, 2015. At various times throughout her treatment, Dr. Saeed wrote prescriptions for A.V. for alprazolam, carisoprodol, Vyvanse, lorazepam, and dextroamphetamine. Importantly, none of these medications are opiates.

On January 18, 2015, in the midst of receiving treatment from Dr. Saeed, A.V. arrived at a local hospital in Tucson following a car accident. In addition to amphetamines and benzodiazepines in her system (which would correspond to prescribed medications), she was also determined to have had cocaine, cannabinoids, and opiates in her system — none of which were part of her treatment. A.V. also stated during this hospital visit that she had a “history of depression, anxiety, bipolar disorder and dissociative identity disorder.”

The hospital medical records were critical for two reasons: first, Dr. Saeed's patient notes had been destroyed because the records reached the end of the record retention period before the patient file was ever requested by investigators. Therefore, A.V.'s statements to the treating registered nurse at the hospital on January 18, 2015 offers the only indication of her diagnoses during the relevant period. Second, Dr. Saeed recalls that A.V. testified that she was impaired during her treatment with Dr. Saeed,

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which she directly attributed to his care⁴. As such, A.V. put her own medical treatment at issue. Dr. Saeed should have been permitted to cross-examine A.V. about the fact that on January 18, 2025 — during the same time A.V. was receiving treatment from Dr. Saeed — she was apparently also using opiates, cannabis, and cocaine in combination, the jury should have been able to assess in order to determine her overall credibility, as well as to determine whether any substance abuse or impairment could have been attributable to other drug use beyond prescribed treatment. Dr. Saeed was prejudiced in that he had no ability to rebut A.V.’s statements. With no patient medical records of his own, and without the ability to cross-examine A.V. about the substance findings in the hospital record or her own statements concerning cocaine use during the relevant period of time, A.V.’s testimony at the Second Trial was left largely un rebuttable because cross-examination in these areas was not permitted.

III. CONCLUSION

For the reasons and law stated above, Dr. Saeed respectfully requests this Court to grant the foregoing Motion.

⁴ As of the time of filing this Motion, a transcript of A.V.’s trial testimony at the Second Trial had not yet been obtained. Because she did not testify at the First Trial, there is no prior trial transcript concerning her testimony. As such, this summary is noted based on the best of recollection but may be supplemented or modified after review of the trial transcript concerning her testimony.

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RESPECTFULLY SUBMITTED this 5th day of
September, 2025.

ANSINELLI LAW, PLLC

By: 

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and emailed
this 5th day of September, 2025, to:

Honorable Scott McDonald
Superior Court — Pima County

Copy of the foregoing emailed
This 5th day of September, 2025 to:

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Appendix R

[Filed: Sep. 8, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, Petitioner, and MUHAMMAD SAEED, Defendant.	NO. CR20235154-001 MOTION TO EXCEED PAGE LIMIT RE: MOTION TO VACATE, PURSUANT TO RULE 24.2(a)(1),(3), ARIZ. R. CRIM. P. Assigned to: Hon. Scott McDonald
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Defendant Muhammad Saeed, MD, by and through his counsel undersigned, respectfully files the foregoing Motion to Exceed Page Limit re: Motion to Vacate, Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. Pursuant to Rule 1.9(c), Ariz. R. Crim. P., a motion may not exceed eleven pages. The above-described Motion is nineteen pages long. By this Motion, Dr. Saeed respectfully requests the Court to permit the filing of the Motion to Vacate as filed in-

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cluding the extra page in length. A proposed Order is separately but simultaneously filed this date.

RESPECTFULLY SUBMITTED this 8th day of September, 2025.

ANSINELLI LAW, PLLC

By: *Mike Bloom Jr.*

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and emailed
this 8th day of September, 2025, to:

Honorable Scott McDonald
Superior Court — Pima County

Copy of the foregoing emailed
This 8th day of September, 2025 to:

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Appendix S

[Filed: Sep. 12, 2025]

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**IN THE SUPERIOR COURT OF
 THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, Petitioner, and MUHAMMAD SAEED, Defendant.	NO. CR20235154-001 <u>AMENDED MOTION</u> TO VACATE, PURSUANT TO RULE 24.2(a)(1),(3), ARIZ. R. CRIM. P. Assigned to: Hon. Scott McDonald
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Defendant Muhammad Saeed, MD, by and through his counsel undersigned, respectfully re-submits the foregoing Amended Motion to Vacate, Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P., Ariz. Const. Art. II §4, 24, and U. S. Const. Amends. V, VI, XIV in light of the Court's Ruling dated September 09, 2025 regarding the page limit of this Motion. The foregoing has been Amended and edited to remain within eleven (11) pages. Dr. Saeed respectfully references and fully incorporates all Ex-

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hibits filed and attached to the original Motion to Vacate (filed September 5, 2025) (the “Original Motion to Vacate”). This Motion is supported by the following Memorandum of Points and Authorities.

**MEMORANDUM OF POINTS AND
AUTHORITIES**

Throughout the case, the State’s theory underlying the charge “obtaining and procuring drugs by fraud,” included a theory, allegations, and issues essentially providing that: “Here’s how you would give them, uppers and downers, and this could create a drug-dependent patient. These patients also describe being drug-dependent, that’s consistent. Once you have created a drug-dependent behavior, are you then able to make them more susceptible to a physical exam that they otherwise wouldn’t be interested in, consenting to, agreeing to, merely because they need to get their prescriptions?”) *State’s Resp. at Oral Argument*, Tr. 63:14–25 to 64:1–21 (dated Dec. 13, 2024) (Emphasis added). Thus, the specific issues brought to the jury’s attention with respect to Dr. Saeed’s prescription treatments concerned whether or not Dr. Saeed’s course of treatment, whether due to a single prescription or prescriptions in combination (“uppers and downers”), created drug-dependent patients who were more likely to return to his office due to a dependency.

The above-described theory, argument, and issues underlying the Prescription Counts also helped advance the State’s position regarding why the patients continued returning to Dr. Saeed’s office for ap-

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pointments — a central question in this case. The jury in the First Trial ultimately rejected the State’s argument, however, and found Dr. Saeed not guilty of all counts related to mis-prescription practice, malpractice or prescription fraud — which included all of the above-described allegations which had all been charged under the umbrella of “obtaining or procuring dangerous/narcotic drugs by fraud” (the “Prescription Counts”). Notwithstanding the outcome of the First Trial, and over objection, the same issues, theory, argument, and evidence concerning Dr. Saeed’s prescription practice were then presented during the Second Trial. Dr. Saeed respectfully asserts that *res judicata* or collateral estoppel applied in this context and that Double Jeopardy was violated by allowing the same issues, evidence, theory, and argument to be presented to the jury sitting in the Second Trial. Because the issue of a lack of jurisdiction can be raised at any time, Dr. Saeed respectfully asserts that the Court lacked jurisdiction to allow allegations relating to his prescription practice to proceed during the Second Trial. Because the verdicts were also impacted by other issues, Dr. Saeed respectfully raises additional concerns regarding Due Process.

II. Application of Law and Argument

Pursuant to Rule 24.2(a), Ariz. R. Crim. P., the Court “must vacate a judgment if it finds that: (1) the Court did not have jurisdiction; (2) newly discovered material facts exist satisfying the standards in Rule 32.1(e) and 33.1(e); or; (3) the conviction was

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obtained in violation of the United States or Arizona constitutions.” An argument concerning a lack of jurisdiction “may be raised at any time.” See Rule 16.1(b), Ariz. R. Crim. P.

A. Pursuant to Article II, Section 4 of the Arizona Constitution, the Fifth and Fourteenth Amendments of the United States Constitution, Principles of Double Jeopardy, Res Judicata and Collateral Estoppel, and Rule 24.2(a)(1),(3), Ariz. R. Crim. P., the Court Lacked Jurisdiction to Allow the State to Present the Same Issues, Theory, Argument, and Evidence Surrounding the Prescription Counts at the Second Trial.

The United Supreme Court has held that “collateral estoppel,” within the context of a criminal case, “means simply that when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit.” *Ashe v. Swenson*, 397 U.S. 436, 443 (U.S. 1970) (emphasis added). Arizona adopted the doctrine of collateral estoppel in criminal cases prior to *Ashe*. See *State v. Nunez*, 167 Ariz. 272, 277 (1991) (citing *State v. Little*, 87 Ariz. 295, 304 (1960)). The Arizona Supreme Court held that “an earlier judgment in a criminal case was conclusive as to all issues actually litigated and adjudicated.” *Nunez*, 167 Ariz. at 277 (emphasis added).

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Here, the State proceeded in the First Trial upon the theory, evidence, and arguments that Dr. Saeed's course of prescription treatment rendered his patients as "zombie-like," with clouded thinking or judgment, or who were rendered addicted to their course of treatment, such that the patients had to return to his care in order to obtain more prescriptions. The charge the State applied, as it related to the foregoing theory and argument, was "obtaining or procuring narcotic/dangerous drugs by fraud." All issues concerning allegations of any prescription mis-practice, malpractice or fraudulent practice surrounding the underlying prescriptions were subsumed within that charge. However, the jury in the First Trial fully acquitted Dr. Saeed of every single Prescription Count after considering this theory, related issues concerning prescription dose amounts, prescription combinations, "upper and downer" combinations, likelihood or possibility of creating prescription dependency or overdose, prescription toxicity, related argument, and related testimony and evidence. As such, Double Jeopardy attached, including principles of res judicata and collateral estoppel. The State was therefore estopped from re-litigating the same issues as they were actually decided pursuant to the First Trial. Notwithstanding the above principles, the same theory, argument, issues, and evidence were presented during the Second Trial but, simply, without the formal title of the charge under which the same theory, issues, argument, and evidence were presented at the First Trial. This theory, related evidence, etc., were an important part of

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the Second Trial just as it was during the First. However, Dr. Saeed's rights under the Fifth and Fourteenth Amendments of the Constitution and under the Arizona Constitution were violated in light of Double Jeopardy, *res judicata*, and collateral estoppel following the First Trial. The Court lacked jurisdiction, both subject matter and procedural, to allow the same theory, argument, issues, and evidence to advance as issues, etc., brought before the jury in the Second Trial.

B. Pursuant to Article II, Sections 4, 24 of the Arizona Constitution, the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and Pursuant to Rule 24.2(a)(3), Ariz. R. Crim. P., the United States Constitution and Arizona Constitution were Violated, including a Violation of the Respective Due Process Clauses, When Late Disclosure Was Permitted In the Midst of Trial.

Here, Sgt. Andreacola was disclosed as a witness prior to the Second Trial. It was anticipated that he would testify concerning the authenticity of the hard drive. On May 23, 2025, Sgt. Andreacola's Report was disclosed. See **Exhibit A** to the Original Motion to Vacate. Notably, the "Purpose" of the Report was "[t]o determine if the contents represent an actual image of a Samsung sdh-c75100 DVR system hard drive." *Id.* at pg. 1. In light of Sgt. Andreacola's anticipated testimony, Dr. Saeed hired his own expert to conduct the same scope of review regarding

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authenticity and to provide any rebuttal testimony. To that end, Mr. Brian Chase was hired as an expert and remained on standby, pending the outcome of the Rule 15 Interview and testimony during the State’s case at trial.

On June 3, 2025, the parties took the Rule 15 Interview of Sgt. Andreacola. See **Exhibit B** to the Original Motion to Vacate. During his interview, Sgt. Andreacola stated that: “So that was primarily — all I was supposed to be doing was that — the data that was on that hard drive — did that come from the hard drive contained in a Samsung DVR?” *Id.* at 3:21–23. The parties continued to complete the Rule 15 interview in light of the Report disclosed on May 23, 2025 which he had authored.

On the second day of the Second Trial, Tuesday, June 10, 2025, at 5:35 p.m., the State emailed an additional “report” by Sgt. Andreacola. See **Exhibit C** to the Original Motion to Vacate. Unlike the May 23, 2025 Report, the June 10, 2025 email contained a PDF of a Word Document which purportedly analyzed the total number of male versus female patients treated by Dr. Saeed and the average length of time of physical examinations of patients based upon gender. The scope of this work was not previously disclosed or indicated by the State or Sgt. Andreacola, and Dr. Saeed did not have an opportunity to review this analysis through his expert to confirm similar results or whether the methods were flawed. Indeed, counsel recalls from the testimony at the Second Trial (a copy of the transcript is not available as of this writing), upon information and belief, that

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Sgt. Andreacola himself had to utilize an undisclosed software system which only took a “sample” of patients using undisclosed methodology, and was asked to perform such work on the first day of the Second Trial — work which he opined would typically take a year or more to complete.

The State had not complied with Rule 15(c) or (d), Ariz. R. Crim. P. More critical was Dr. Saeed’s inability to conduct a similar analysis and review of the June 10, 2025 disclosed report via his expert, he was unfairly surprised that the scope of this work was going to be completed by the State, he was unable to determine or review the underlying methodology or software used to create the June 10, 2025 report, he was denied a reasonable opportunity to prepare a complete cross-examination as a result and was prejudiced thereby. In short, a complete analysis could not be done when the June 10, 2025 report was disclosed on the evening of the second day of the Second Trial, and it should have been precluded in its entirety. Moreover, this evidence formed a significant part of the State’s case, as it was utilized during the case in chief and in Closing argument.

C. Pursuant to Article II, Sections 4, 24 of the Arizona Constitution, the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and Rule 24.2(a)(3), Ariz. R. Crim. P., the United States Constitution and Arizona Constitutions Were Violated, including a Violation of Due Process and Cross- Examination Related

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Rights, When Cross-Examination was Unduly Restricted.

The United States Constitutional guarantees is the right of any defendant to confront his accuser. *See, e.g., Olden v. Kentucky*, 488 U. S. 227, 109 S. Ct. 480 (1988); *Smith v. Illinois*, 390 U. S. 129, 88 S. Ct. 748 (1968). In Arizona, Courts have been vigilant in ensuring that a defendant enjoys the right to a thorough cross-examination, and reversal occurs when that right is unduly restricted. Although the trial court has discretion in deciding questions of the scope of cross-examination, the policy in this state has always been to allow a broad scope of cross-examination. Moreover, since the right is guaranteed by the Constitution, a conviction will be reversed if cross-examination has been unreasonably limited. *See State v. Dunlap*, 125 Ariz. 104, 105, 608 P. 2d 41, 43 (internal citations omitted).

i. Cross-Examination was Unreasonably Limited and Prejudice Resulted When Medical Records from Relevant Medical Providers Were Precluded from Being Sought, Disclosed, or Reviewed.

Based upon the review of the patient records, V.G. attended appointments with Dr. Saeed from on May 18, 2015 to December 11, 2018, for approximately 60 visits; E.G. attended appointments with Dr. Saeed from September 09, 2015 to September 15, 2016 for approximately 14 total visits; and L.V. attended appointments with Dr. Saeed from June 01, 2015

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through December 12, 2019 for approximately 52 total visits.

During Dr. Saeed's treatment of V.G., L.V., and E.G., he noted that all three had simultaneously received concurrent treatment with other providers at various times, and/or received treatment immediately before or immediately after his treatment. On occasion, he had also directly referred these patients to other medical providers. E.G. saw provider Helen Hess in Tucson in August and September 2015, immediately before receiving treatment from Dr. Saeed. During her care with Dr. Saeed, she had also seen providers with last names of Reilly (in October 2015), Pettit (October 2015), and Shaeffer (December 2015), each of whom had also prescribed her prescription medication. Immediately following concluding treatment with Dr. Saeed, she received care from a medical provider "Kahane," beginning November 2016 through at least mid-2018. Similarly, Dr. Saeed sent V.G. to Sonora Lab Quest on May 25, 2015. She went to a local hospital around July 14, 2015 due to chest pain, and received an EKG. Dr. Saeed also documented that V.G. was seeing her PCP, who had also given her a prescription. On January 12, 2016, Dr. Saeed documented that a Dr. Ruben Toles saw V.G.. On June 16, 2016, V.G. indicated that she had seen a TMJ specialist by the name of Dr. Touse. With respect to L.V., by way of example, Dr. Saeed referred her to Tucson Medical Center for an x-ray of the spine on or about July 27, 2015, in apparent response to her concern of lower back pain. On or about January 06, 2016, L.V. went

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to TMC for severe bronchitis. On or about May 10, 2016, L.V. went to TMC again, for tonsilitis. Dr. Saeed documented that L.V. had an appointment with an ENT scheduled for June 7, 2016. On September 08, 2016, Dr. Saeed indicated that L.V. was seeing a Renee Johnson for cognitive behavioral therapy (“CBT”). All medical professionals with prescribing authority had the capacity to review not only the respective patients’ condition but also had the ability to review the patients’ prescription orders and history upon the Arizona Prescription Monitoring Program (“PMP”) database. It is not apparent that a single medical provider with respect to A.V., E.G. or V.G. had ever expressed any concerns about either patient’s condition, appearance, or the course of their prescription regimen. Similarly, no pharmacist apparently ever called into question the amount or combination of any prescription medication ordered by Dr. Saeed. On November 8, 2024, Dr. Saeed filed a Motion for Disclosure which sought the disclosure of medical records of doctors or other medical providers. *See Motion for Disclosure* at pg. 7–9. Following oral argument, the Motion for Disclosure was denied.

Ultimately, testimony was elicited from A.V., V.G., L.V., and/or E.G. at both trials that they had either never had exposure to a psychiatrist before treatment with Dr. Saeed and/or ended up becoming “zombie-like” or addicted to the prescription medication regimen he prescribed during their respective care. Dr. Saeed had no ability to rebut these allegations given that he had no ability to have any review medical records from any other medical provider, in-

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cluding medical providers who had seen any patient victim immediately prior, during, or immediately after, they received care from Dr. Saeed. Therefore, Dr. Saeed could not seek to call any other medical provider to the stand and/or review their notes concerning the impressions they had of the respective patient victims in this case. For example, if another provider who had seen L.V. during her treatment with Dr. Saeed had indicated (by way of example only) that L.V. “appeared well-groomed, cheerful, and was advised to continue her ongoing course of medications with Dr. Saeed as prescribed,” that sort of progress note from another doctor during Dr. Saeed’s care would have directly contradicted the premise that she was receiving a toxic and inappropriate combination of medications, the premise of any allegation that she was so zombie-like or intoxicated at that period of time in her life that she was incapable of thinking clearly, and would have challenged the premise of any direct or implied allegations that Dr. Saeed was “drugging” or creating a “drug-dependent patient,” if another physician encouraged her to continued his course of treatment and found her to be doing well.

The State elicited testimony from each of the patient victims which put Dr. Saeed’s care, treatment, and the medical conditions of each patient victim squarely at issue. Dr. Saeed primarily asserts that the very same allegations concerning the Prescription Counts, which had been alleged in the First Trial, should not have been permitted in the Second Trial because of the judgments of acquittal after the

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First Trial and because the jury in the First Trial had already considered all of those issues. Notwithstanding this primary argument, Dr. Saeed secondarily asserts that he should have been granted the opportunity to review medical records from other providers since the patient-victims were going to testify about the state of their condition immediately before, during, and immediately after Dr. Saeed's prescription regimen and treatment. Dr. Saeed respectfully asserts as to this secondary argument that the preclusion of any ability to obtain and review medical records from any other providers resulted in prejudice and denied his due process rights to a full and fair cross-examination.

ii. DUI Conviction and Police Reports Regarding E.G.

Dr. Saeed respectfully asserts that the police reports relating to a December 06, 2015 incident (Pima County Sheriff's Department Report for 151206010 and related reports) should have been permitted for purposes of cross-examination and should not have been precluded. Importantly, this incident took place in the middle of Dr. Saeed's treatment of E.G. (E.G. had appointments with Dr. Saeed from September 9, 2015 — September 15, 2016). To the extent E.G. testified that Dr. Saeed's treatment of her led her to become addicted and/or incapable of thinking clearly, evidence of unprescribed alcohol use would have provided critical facts for the jury to determine whether any intoxication during the relevant period

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was due to prescription intoxication or something else.

Additionally, Dr. Saeed respectfully asserts that he should have been able to inquire, during cross-examination, of E.G.'s knowledge and awareness of an incident date of October 01, 2016 at 1:27 a.m. (Scottsdale Department Report #1621981 and related reports), including her related conviction in Scottsdale City Court M-0751-CR-2016020168 concerning that incident. The jury were not able to hear cross-examination or evidence that, on that date, E.G. had been pulled over and during the arrest she had accused an officer of pulling her shirt down, and that she had subsequently signed a Plea Agreement in the above-reference case number to one count of DUI and one count of "false information" (although, the Court there had ultimately sentenced her only on the DUI count). Her signature signing a Plea Agreement for criminal false information immediately following the conclusion of her treatment with Dr. Saeed is directly relevant to matters involving her credibility. Because this information was precluded, the jury were not able to consider the full context or cross-examination, including matters involving credibility. Moreover, the mere fact of a DUI conviction alone is not the issue here — it is the fact that E.G. articulated that she became addicted or intoxicated to Dr. Saeed's course of treatment that is the issue. Evidence of possible alcohol intoxication in both December 2015 and again later October 2016 provides evidence that perhaps use of alcohol could have been the cause of any feelings of intoxication instead of

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Dr. Saeed's treatment. Respectfully, the preclusion of the foregoing information prejudiced Dr. Saeed, prevented a full cross-examination, and prevented the jury from adequately considering credibility and the nature of her allegations fully.

iii. *Medical Records Pertaining to A.V.*

Upon information and belief, A.V. had appointments with Dr. Saeed from October 2014 through approximately May 2015. On January 18, 2015, A.V. arrived at a local hospital. In addition to amphetamines and benzodiazepines in her system (which apparently corresponded to prescribed medications), she was also determined to have had cocaine, cannabinoids, and opiates in her system which were not a part of her treatment. A.V. also stated during this hospital visit that she had a "history of depression, anxiety, bipolar disorder and dissociative identity disorder." The hospital medical records were critical for two reasons: first, Dr. Saeed's patient notes had been destroyed because the records reached the end of the record retention period before the patient file was requested by investigators. Therefore, A.V.'s statements to the treating nurse at the hospital on January 18, 2015 offers the only indication of her diagnoses during the relevant period. Second, Dr. Saeed recalls that A.V. testified that she was impaired during her treatment with Dr. Saeed, which she directly attributed to his care¹. Dr. Saeed should have been permitted to cross-examine A.V. about the

¹ This summary is based on the best of recollection, and may be supplemented or modified.

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fact that on January 18, 2025 — during the same time A.V. was receiving treatment — she was apparently also using opiates, cannabis, and cocaine in combination, which the jury should have been able to assess in order to determine her overall credibility, as well as to determine whether any substance abuse or perceptions of impairment could have been attributable to other drug use beyond prescribed treatment. Dr. Saeed was prejudiced given that, with no patient medical records of his own, and without the ability to cross-examine A.V. about the findings of other substances in the hospital record, A.V.’s testimony at the Second Trial was left largely un rebuttable because cross-examination in these areas was not permitted.

iv. E.G.’s Knowledge Concerning Dr. Saeed’s Scope of Practice

During the First Trial, a significant topic of discussion during the cross-examination of E.G. related to her understanding of Dr. Saeed’s practice. The testimony from the First Trial indicated that E.G. was referred to Dr. Saeed by her friend, K.D., and that the two apparently had a conversation wherein K.D. informed E.G. to expect a physical or a “massage.” E.G. still proceeded to book her first appointment. Upon information and belief, an objection by the State was sustained during the Second Trial which precluded questioning during the Second Trial about E.G.’s knowledge and understanding of Dr. Saeed’s practice before she booked her first appointment, including her knowledge or understand-

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ing that a physical could take place and her response thereto.²

v. Photographs

A.V., E.G., and K.D., were friends with each other and received care from Dr. Saeed during overlapping periods of time while all three were students at the U of A. The photos show the three friends together in close proximity, indicating a high degree of familiarity, as well as occasionally with beverages in hand, indicating that alcohol may have been voluntarily consumed at the time of treatment with Dr. Saeed. Prior to trial, the defense had intended to focus cross-examination on the friendship insofar as any allegations could have been influenced in any way, and photographs involving possible drinking of alcohol, to examine the use of alcohol as a reason for any feelings of intoxication. All photographs obtained from social media were disclosed to the State, however Dr. Saeed fully understands that the focus of cross-examination is to examine the issues and not cause embarrassment or prejudice. The photographs could have been limited to several which demonstrated the foregoing two points without undue embarrassment and that preclusion of every single photograph resulted in a restriction of the cross-examination.

vi. Testimony of Sabina Saeed:

Dr. Saeed respectfully asserts that Ms. Sabina Saeed was aware, and had matters within the scope

² This Section may be supplemented or amended.

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of her personal knowledge which should have been permitted as it related to the issuance of the underlying bench warrant, the surveillance footage, correspondence with the State. A copy of Ms. Saeed's Declaration is attached as Exhibit F to the Original Motion to Vacate.

vii. Preclusion of Mr. Weiss as a Witness

Mr. Weiss is an attorney who is aware of the background legal context as it relates to statutes of limitations for civil malpractice claims against doctors, and statutes of limitations regarding claims for damages following a criminal matter. Mr. Weiss was precluded prior to the Second Trial. Dr. Saeed respectfully contends that the context Mr. Weiss would have testified to would have assisted the jury in determining whether any financial motivation played any part in this matter. Dr. Saeed makes this argument, in particular, in light of the juror letter following the conclusion of the First Trial, which indicated that at least two of the jurors recognized financial motivation as a reason, or perhaps even the sole reason, for declining to find any counts against Dr. Saeed. As such, Dr. Saeed respectfully asserts that the area of testimony Mr. Weiss would have provided would have been helpful to educate the jury about relevant contexts concerning restitution and damage claims which the jury could have considered in tandem with evidence about whether V.G. was financially motivated or not when she arrived with a civil attorney to make a report following approximately 60 visits at Dr. Saeed's office.

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III. CONCLUSION

For the reasons and law stated above, Dr. Saeed respectfully requests this Court to grant the foregoing Motion.

RESPECTFULLY SUBMITTED this 12th day of September, 2025.

ANSINELLI LAW, PLLC

By: *Samantha Ansini*

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and emailed
this 12th day of September, 2025, to:

Honorable Scott McDonald
Superior Court — Pima County

Copy of the foregoing emailed
This 12th day of September, 2025 to:

Sterling Struckmeyer, Esq.
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Counsel for the State

Appendix T

[Filed: Sep. 18, 2025]

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Attorney for Muhammad Saeed, MD

**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA,	NO. CR20235154-001
Plaintiff,	AMENDED NOTICE
and	OF APPEAL
MUHAMMAD SAEED,	Assigned to: Hon. Scott
Defendant.	McDonald

Defendant Muhammad Saeed, by and through his counsel undersigned, respectfully files the foregoing Amended Notice of Appeal, pursuant to A. R. S. §13-4033(A)(3), Rule 31.2(h), Ariz. R. Crim. P.; Rule 24.2(c),(d), Ariz. R. Crim. P.; Rule 31, et seq. Ariz. R. Crim. P.; Rule 31.1(a)(2),(c)(3),(6)-(7).

In addition to the scope of any prior Notice of Appeal filed in this matter, the substance of which is fully incorporated herein by reference, the foregoing Amended Notice of Appeal relates to post-trial rulings and concerns any and all issues and related matters addressed or considered by and within:

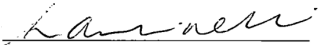
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- The Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. and any related Exhibits (filed September 5, 2025), including any related trial Exhibits, transcripts, testimony, evidence, oral argument, and/or trial court Rulings during trial or pre-trial which are relevant to any issues raised within the Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P.;
- The Motion to Exceed Page Limit Re: Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. (filed September 8, 2025);
- The Amended Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. (filed September 12, 2025), including any related trial Exhibits, transcripts, testimony, evidence, oral argument, and/or trial court Rulings during trial or pre-trial which are relevant to any issues raised within the Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P.;
- The trial court's denial of the Motion to Exceed Page Limit (entered by Minute Entry Order on September 8, 2025); and
- The trial court's denial of the Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. (entered by Minute Entry Order on September 11, 2025).

RESPECTFULLY SUBMITTED this 18th day of September, 2025.

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ANSINELLI LAW, PLLC

By: 
Samantha Ansinelli, Esq.
Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and a copy submitted
this 18th day of September, 2025 to:

Honorable Scott McDonald
Superior Court — Pima County

Clerk of the Superior Court
Superior Court — Pima County

Clerk of the Arizona Court of Appeals, Division II

Copy of the foregoing mailed
this 18th day of September, 2025 to:

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Appendix U

[Filed: Sep. 19, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA,
Plaintiff,

v.

**MUHAMMAD SAEED
(001),**
Defendant.

NO. CR20235154–001

**RESPONSE TO
AMENDED MOTION
TO VACATE**

[Assigned to: Judge Scott
McDonald-Div. 29]

The State of Arizona by and through the Attorney General, **KRISTIN K. MAYES**, and her assistant, **F. STERLING STRUCKMEYER**, hereby responds to Defendant's above entitled motion. For the following reasons, the State respectfully requests that Defendant's motion be denied.

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**MEMORANDUM OF POINTS AND
AUTHORITIES**

The Double Jeopardy Clauses in the United States and Arizona Constitutions prohibit a second prosecution for the same offense following conviction or acquittal and preclude multiple punishments for the same offense. *Ohio v. Johnson*, 467 U.S. 493, 497–98 (1984); *State v. Cook*, 185 Ariz. 358, 360 (App. 1995); see U.S. Const. amend. V; Ariz. Const. art. 2, §10. The prohibition against double jeopardy incorporates the doctrine of collateral estoppel. *Schiro v. Farley*, 510 U.S. 222, 232 (1994). “Collateral estoppel simply means that when an issue of **ultimate fact** has once been determined by a valid and final judgment, that issue cannot again be relitigated between the same parties in any future lawsuit.” *Lemke v. Rayes*, 213 Ariz. 232, 240–41, ¶ 23 (App. 2006) (internal quotation omitted) (emphasis added). Moreover, collateral estoppel is disfavored in criminal cases and applied sparingly. *Id.* at 241, ¶ 24.

i. Defendant Fails to Prove That an Issue of Ultimate Fact Was Definitely Determined in the First Trial Which Precludes Any of the Evidence From Being Presented in the Second Trial.

“[A] defendant has the burden of showing that the issue [the defendant] claims is barred was actually decided in the prior proceeding.” *State v. Rodriguez*, 198 Ariz. 139, 141, ¶ 6 (App. 2000) (internal quotation omitted). Collateral estoppel requires that the “issue sought to be relitigated must be **precisely the**

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same as the issue in the previous litigation.” *State v. Jimenez*, 130 Ariz. 138, 140 (1981) (emphasis added); *see also Joya v. United States*, 53 A.3d 309, 316 (D.C.2012) (“Unless the record of the prior proceeding affirmatively demonstrate[s] that an issue involved in the second trial was definitely determined in the former trial, the possibility that it may have been does not prevent relitigation of that issue.”) (internal quotation omitted).

According to Defendant, “the specific issues brought to the jury’s attention with respect to Dr. Saeed’s prescription treatments concerned whether or not Dr. Saeed’s course of treatment, whether due to a single prescription or prescriptions in combination (uppers and downers”), created drug-dependent patients who were more likely to return to his office due to a dependency.” Defendant’s Amended Motion, p. 2:3–6. In support, Defendant cites to statements made by the State during oral argument regarding the State and Defendant’s motions *in limine*. *Id.* at 1–2:21–1. Those statements, however, concern the State’s theory of the case and the State’s argument made in response to the court’s inquiries and defense counsel’s argument. *See* Exhibit 1, at Transcript of Pending Matters/Motions (December 13, 2024). Further, reading the entire transcript reveals that the cited statements concerning the State’s theory and argument include the charges of fraud and sex abuse/assault. *See* Ex. 1, 64:11–12 (“[T]hese are things that I think the jury has to answer, and I think **specifically go to the fraud, or whether**

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this was sex assault, or sex abuse.”) (emphasis added).

Defendant does not cite to any portion of the record concerning the first trial or the second trial, nor does Defendant cite to any testimony from any witness from either trial.¹ In short, Defendant’s motion and attached exhibits, fail to establish the minimum burden of proving: (1) that the precise issues Defendant cites were actually decided by the jury’s verdict in the first trial; **and** (2) that these same issues were precisely the same issues the parties litigated at the second trial.

In addition to failing to satisfy the burden of proof required, Defendant’s motion fails because the specific issues Defendant argues were definitively determined were clearly not determined by the jury in the first trial.

Defendant argues that the jury’s acquittal of the “drug charges” precludes “the specific issues brought to the jury’s attention with respect to Dr. Saeed’s prescription treatments concerned whether or not Dr. Saeed’s course of treatment, whether due to a single prescription or prescriptions in combination (uppers and downers”), created drug-dependent pa-

¹ Defendant’s assertions that transcripts are unavailable is remarkable given that eighty-one (81) days has passed since Defendant was convicted (June 19, 2025) and Defendant filed this Motion. This is even more remarkable given that Defendant filed a Notice of Appeal (July 9, 2025), and that pursuant to Rule 31.9 (e), the Court of Appeals has provided notice of perfection of the appellate record (August 22, 2025, filed in Pima County Superior Court August 28, 2025). Still, Defendant has not provided any transcripts of either trial proceeding.

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tients who were more likely to return to his office due to a dependency...[and] why the patients continued returning to Dr. Saeed's office for appointments—a central question in this case.” Defendant's Amended Motion, p. 2:3–8. There is no evidence to suggest that the firsts jury definitively decided any of these “issues.”

What the record clearly shows is that in the first trial, the jury acquitted Defendant of procuring the administration of dangerous/narcotic drugs by fraud. Thus, there is no dispute that the jury definitely determined that there was insufficient evidence to prove beyond a reasonable doubt any one of the following elements: “1. [t]he defendant knowingly procured the administration of a dangerous drug; [] 2. The substance was in fact a [dangerous/narcotic] drug; and 3. The defendant procured the administration of a [dangerous/narcotic] drug by fraud, deceit, misrepresentation, or subterfuge.” See Court's Final Jury Instructions, Nos. 26 and 28 (filed March 21, 2025). Contrary to Defendant's argument, the jury's determination that one or more of these elements were not proven beyond a reasonable doubt, does not result in the conclusion that the jury also determined that the evidence failed to prove, beyond a reasonable doubt, that the “[Defendant]'s course of treatment, whether due to a single prescription or prescriptions in combination (‘uppers and downers’), created drug-dependent patients who were more likely to return to his office due to a dependency.” Said differently, the jury could very much have determined that the evidence proved, beyond a reasonable

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doubt, that Defendant prescribed drugs that constitute both stimulants and central nervous system depressants (uppers and downers); that the patients were addicted to these drugs; and that in fact the patients were more likely to return to Defendant's office because they were addicted—and still have determined that the evidence did not prove beyond a reasonable doubt that Defendant “procured the administration” of dangerous/narcotic drugs by fraud.

ii. Neither Collateral Estoppel Nor Double Jeopardy Excludes Relevant and Probative Evidence That is Otherwise Admissible Under the Rules of Evidence.

“[R]elevant and probative evidence that is otherwise admissible under the Rules of Evidence” is not rendered inadmissible “simply because it relates to the alleged criminal conduct for which a defendant has been acquitted.” *Dowling v. United States*, 493 U.S. 342, 348 (1990); *see also*, *State v. Bartolini*, 214 Ariz. 561 (2007) (“*see Dowling*, 493 U.S. at 348, 110 St.Ct. 668[,] stating that the collateral-estoppel component of the Double Jeopardy Clause does not exclude in all circumstances ‘relevant and probative evidence that is otherwise admissible under the Rules of Evidence simply because it relates to alleged criminal conduct for which a defendant has been acquitted.’”); *see also*, *State v. Lehr*, 227 Ariz. 140, 148, ¶ 26 (2011) (“[A]dmission of evidence of other acts for which a defendant has been acquitted does not violate double jeopardy.”); *State v. Yonkman*, 233 Ariz. 369, 374, ¶ 15 (App. 2013) (“[A]n acquittal does not

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bar the introduction of other-act evidence under Rule 404, because such evidence involves a lesser standard of proof, and the earlier acquittal could be based upon the failure of the state to have proved the prior bad acts beyond a reasonable doubt.”) (internal quotations omitted).

Here, the evidence and “issues” that Defendant cites is relevant and probative evidence that is otherwise admissible under the Rules of Evidence. Defendant was charged with Fraud as to each of the patient-victims that testified as trial. Evidence regarding Defendant’s entire medical practice, both as an doctor of internal medicine” and psychiatrist, including physical treatments and exams, lack of proper medical documentation, and practice of prescribing prescription drugs was relevant, probative, and admissible to prove that Defendant perpetrated a fraud on the victims.

iii. No Late Disclosure Occurred

“The State’s disclosure obligation extends to material and information in the possession or control of any of the following: (1) the prosecutor, other attorneys in the prosecutor’s office, and members of the prosecutor’s staff; (2) any law enforcement agency that has participated in the investigation of the case and is under the prosecutor’s direction or control; and (3) any other person who is under the prosecutor’s direction or control and who participated in the investigation or evaluation of the case.” *See* Rule 15.1 (f), Ariz.R.Crim.Pro.

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According to Defendant's own statements, when Defendant fled the United States for Pakistan, he was in possession of the surveillance video from his office. See Attachment D to Exhibit A of Defendant's Motion, email of January 16, 2024 ("I also luckily brought with me the HDs with CCTV footages of my office for **all patient office visits since 2015** which I wanted to go over....Regards, Dr. Saeed.") (emphasis added).

However, it wasn't until November 12, 2024, that Defendant disclosed that he intended to use the CCTV videos at trial. See State's Motion to Compel Production of Video Evidence (filed February 24, 2025). Subsequently, the State requested the surveillance video on three separate occasions. *Id.* Finally, on February 11, 2025—three months after disclosing the surveillance video and after three separate requests—Defendant provided only portions of surveillance video. *Id.* Importantly, the limited portions of video that were provided were neither "all patient office visits" nor "all patient office visits since 2015" as Defendant represented he possessed. Similarly, the limited portions that were disclosed were demonstrably incomplete as reported by defendant's own witness who stated (and testified at trial) that the video surveillance cameras were in Defendant's office since at least 2015. *Id.*

After reviewing this evidence, and observing that there were only portions of video from Defendant's office, the State requested the entire surveillance video on February 12, 2025. *Id.* On February 17, 2025, both defense counsel acknowledged that addi-

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tional surveillance video existed— and yet this video evidence was still not disclosed to the State. *Id.* The Court then ordered that the defense “produce the entire CCTV video camera evidence...no later than close of business on March 5, 2025.” *See* Minute Entry of February 28, 2025 (filed March 4, 2025). And still Defendant did not disclose the video evidence.

Finally, on May 5, 2025, the State was provided with a storage drive purporting to contain surveillance video from Defendant’s office. At trial, Sgt. Andreacola testified that the storage drive disclosed contained a copy of select portions of surveillance video; that there was no way to forensically confirm that the storage drive contained all of the surveillance video Defendant possessed; and that there was no surveillance video at all for multiple dates where the evidence established that the victims saw Defendant at his office.

Subsequently, on June 2, 2025, Defendant disclosed that the defense had retained Brian Chase, an expert witness that could testify as to the surveillance video. *See* Exhibit 2, Defendant’s Eight Supplemental Disclosure and attached Brian Chase Declaration. Despite court orders, and the State not receiving this evidence until May 5, 2025, it is apparent that Mr. Chase was provided with the hard drive containing the surveillance video at least as early as April 10, 2025. *Id.*, Declaration of Brian Chase ¶ 6. Moreover, as outlined in the declaration, clearly Mr. Chase was able to easily review the contents on the hard drive, and was able to opine that the “videos are consistent with exports from [De-

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fendant]’s DVR system and likely constitute the best available source of videos for this matter.” *Id.* ¶ 21.

Defendant then filed two motions urging the court to admit Defendant’s selected portions of surveillance video and proposed screen shots of surveillance video. In support, Defendant affirmatively argued that there was no reason to doubt the authenticity of the video contained on the storage drive, which was provided to the State less than a month before trial. *See* Defendant’s Motion *in Limine* Re: Admissibility of Videos and Screenshots (filed June 2, 2025) and Supplement to Motion *in Limine* (filed June 4, 2025).

As testified at trial, Sgt. Andreacola was able to review and analyze the entirety of the video surveillance on the storage drive only after it was disclosed to the State, and after the Rule 15 interview with defense counsel. Sgt. Andreacola testified as to his review of this evidence, which consisted of nothing more than actually reviewing the surveillance footage that was contained on the storage drive that Defendant himself disclosed. Because of the volume of video footage, and the limited time between when Defendant disclosed the video and trial (approximately 30 days), Sgt. Andreacola limited his review to select portions of video for any 3 patient visits immediately before and after known victim visits. Based on this review, Sgt. Andreacola testified to what he observed from the video surveillance that was readily available and apparent to anyone that chose to view the video surveillance—including Defendant, both defense counsel, defense counsel’s agents and investigators, and defendant’s expert

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witness. That Sgt. Andreacola reviewed as much of the surveillance video as he could in the time permitted, and then testified to those portions that he reviewed, is not a disclosure violation by the State. To the contrary, this was evidence in the Defendant's possession for the entire pendency of the matter, which Defendant only disclosed to the State after significant time and litigation, and notwithstanding a court order that Defendant disclose the entire surveillance video in his possession. To claim surprise or untimely disclosure by the State under these circumstances is disingenuous at best.

Contrary to Defendant's argument, no late disclosure occurred by the State. The surveillance video was clearly not in the possession or control of the State. Moreover, Sgt. Andreacola's testimony concerned what Sgt. Andreacola observed having reviewed readily accessible video that was provided by Defendant and in Defendant's possession the entire time. Whether it was Sgt. Andreacola or any other witness, the State was permitted and could have played the same portions of video surveillance (or arguably the entirety of surveillance video) to the jury with the same analysis/results as testified to by Sgt. Andreacola.

iv. Defendant's Right to Confrontation Was Not Violated.

a. Victim's Medical Records

Citing Defendant's previously denied Motion for Disclosure, which sought all medical records of doctors and any other medical provider of each and eve-

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ry victim, Defendant realleges that his right to confrontation was violated because “he should have been granted the opportunity to review medical records from other providers since the patient-victims were going to testify about the state of their condition immediately before, during, and immediately after Dr. Saeed’s prescription regime and treatment.” *See* Defendant’s Amended Motion, p. 8:10–13. For purposes of this response, the State hereby incorporates the State’s Response to Motion for Disclosure of Medical Records (filed November 21, 2024). For the same reasons the Court previously denied Defendant’s request, Defendant’s motion should be denied. To the extent that Defendant’s argument relates to the victims’ testimony and Defendant’s “prescription regime and treatment”—all of the victims’ prescription monitoring reports through 2025 were admitted at trial, and were available for cross examination.

Moreover, Defendant’s motion fails to satisfy the burden of proof required. Defendant fails to cite to any testimony or the actual record from the second trial that supports Defendant’s assertion that all of the victims’ prior medical records should have been disclosed given the victims’ testimony. There is no citation to the record of what the victims actually testified to—regarding their “condition” or otherwise—that suggests their entire medical record should have been disclosed.

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**b. DUI Conviction and Police Reports
Regarding E.G.**

The State hereby incorporates the State's Motion *In Limine* Re: Victim E.G. (filed February 25, 2025). Moreover, the State notes that Defendant alleges that E.G. signed a plea agreement to one count of DUI and one count of "false information." *See* Defendant's Amended Motion, p. 9:6-8. The State has reviewed the record and is unable to locate any such Plea Agreement, and does not recall this information being admitted or made a part of the record. *See* Defendant's Response to State's Motion In Limine (filed March 5, 2025); *see also* Defendant Supplement to Response to State's Motion In Limine and attachments (filed March 6, 2025). Moreover, at both trials Defendant was freely permitted to question E.G. about her alcohol and drug consumption. Preclusion of this evidence was appropriate under Rule 609, and as inadmissible extrinsic evidence.

c. Medical Records Pertaining to A.V.

The State hereby incorporates the State's Motion *In Limine* Re: Victim A.V. (filed May 28, 2025).

**d. EG's Knowledge Concerning Dr.
Saeed's Scope of Practice**

The State objects to Defendant's argument. Defendant fails to cite to any portion of the record with any exactness or accuracy that would allow the State to respond in a meaningful way. The State does not recall which objection Defendant refers to, or under

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what circumstances and testimony such an objection was made—assuming an objection was lodged.

e. Photographs

The State hereby incorporates each of the State’s Motion *in Limine* regarding A.V., E.G., and K.D. (filed February 25, 2025). Furthermore, at both trials Defendant was permitted to freely question all three victims regarding their alcohol and drug use, as well as their relationship with/between each other.

f. Testimony of Sabina Saeed

The State objects to the “Declaration” of Sabina Saeed. This information was not provided to the State or made available to the Court prior to either trial, and was not a part of the record. Moreover, to the extent that Ms. Saeed would have attempted to testify to such matters, the information “declared” is inadmissible under Arizona Rules of Evidence, Rule 401, 403, 404, 602, 801 and 802.

g. Preclusion of Mr. Weiss as a Witness

The State hereby incorporates the Motion *In Limine* Re: Attorney Stephen Weiss (filed May 28, 2025).

RESPECTFULLY SUBMITTED this 19th day of September, 2025.

KRISTIN K. MAYES

Attorney General

/s/ F. Sterling Struckmeyer

F. STERLING STRUCKMEYER

Assistant Attorney General

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The foregoing e-filed this 19th day
of September, 2025 to:

Pima County Superior Court
Clerk of the Court

COPIES of the foregoing e-mailed
this 19th day of September, 2025, to:
Judge Scott McDonald, Div. 29
Samantha Ansinelli

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[Filed: Sep. 25, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, Petitioner, and MUHAMMAD SAEED, Defendant.	NO. CR20235154-001 REPLY TO AMENDED MOTION TO VACATE, PURSUANT TO RULE 24.2(a)(1),(3), ARIZ. R. CRIM. P. Assigned to: Hon. Scott McDonald
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Defendant Muhammad Saeed, MD, by and through his counsel undersigned, respectfully submits the foregoing Reply to the Amended Motion to Vacate, Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P.¹

¹ Counsel understands that the original *Motion* was stricken. Therefore, in order to preserve the Record, counsel respectfully re-attaches all Exhibits that were attached to the original *Motion* hereto, and respectfully incorporates the substance of that *Motion* by reference (filed Sept. 5, 2025).

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I. Due Process and Collateral Estoppel²

It cannot be disputed that the prescription practice related issues (as more fully identified within the *Motion* and *Amended Motion* (filed Sept. 5 and Sept. 12, respectively)) relating to collateral estoppel and Double Jeopardy were issues which were highlighted throughout the First Trial as part of the State's central, underlying theory, brought to the fore as clear issues before the first jury, and were fully and actually litigated and decided in the First Trial as to the Prescription Counts (collectively, the "Prescription Issues"). In light of the first jury's verdicts, the first jury clearly rejected the litigated Prescription Issues, most apparently, when the first jury found Dr. Saeed not guilty on all Prescription Counts.

Separately, any implication or inference from the *Response* that the State did not elicit or raise any Prescription Issues (as more fully identified in the *Motion* and *Amended Motion*) in the First Trial and/or that such Issues were addressed in pre-trial statements only, is inconsistent with the First Trial

² In FN1 of the *Response*, the State indicates surprise about counsel not having a copy of all transcripts. First, counsel undersigned never stated that no transcripts from the First Trial were available — the portions in the underlying *Motion* relating to summarized testimony for which no transcript was available specifically referenced trial testimony from the Second Trial (see *Motion to Vacate*, pg. 8, In. 8–9; FN 4; pg. 16, Sec. IV (relating to an objection which, upon information and belief, was sustained at the Second Trial (filed Sept. 5, 2025))). Separately, as counsel undersigned understands it, the trial transcripts from the Second Trial are still currently being prepared. Counsel has not received any Second Trial transcripts as of this writing.

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record as demonstrated by example below. Critically, many of the Prescription Issues were brought to the attention of the jury in the First Trial after having been directly elicited from the State during questioning in the State's case-in-chief. Specifically, by way of example (the total sum of such testimony is respectfully limited to a few highlighted examples, for the sake of brevity), the State introduced the following testimony at the First Trial: **(Regarding V.G.):** "Q: What was the —I want to change subjects. I want to talk a little bit more about the prescriptions you had. What were the effects of those prescriptions that he was providing? A: The clonazepam was a relaxant. I think it relaxed me. And I eventually got addicted to it, and the muscle relaxer, as well." **Exhibit G**, Tr. of V.G. First Trial Testimony, 19:19–25 — 20:1–6.

(Regarding L.V.): "Q: Tell us about your experience with his prescribing practices with respect to you. A: Anything I needed. If I was having trouble sleeping at night, it's another medication. If I was complaining of migraines, it was another medication.[...]Q: How did this medication affect you? A: My mother would describe it like a zombie-like state. I ended up getting addicted to the Xanax he was prescribing me." **Exhibit H**, Tr. of L.V. First Trial Testimony, 21:5–25; "Q: are you taking the same prescriptions now that Dr. Saeed prescribed you then? A: Not at all. Q: What do you mean by that? A: I'm no longer on Xanax or Vyvanse or my migraine medication he prescribed me, or the sleep pills. I'm not taking any of that. Q: Are you currently seeing

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a psychiatrist? A: Yes. Q: Was it difficult to stop taking those prescription drugs? A: Absolutely. Q: Can you describe that for us? A: The withdrawals are really — it feels like bugs are crawling on your skin. So we would try to wean off of it and then I was able to altogether stop taking it eventually.”

Exhibit I, *Tr. of L.V. First Trial Testimony*, 27:3–19.

(Regarding E.G.): “Q: Do you believe that the quantity of drugs, combination of drugs is making it difficult for you to recall those incidents in that time period? [...] Q: What was the result of you taking all of

these medications? A: Like they were supposed to help me, but the result became like rare. Like I became more depressed, more withdrawn, more like — just like numb to everything[.] Q: Do you believe that you were addicted to the medicine? A: Yes, definitely. Yeah, yeah. Like I had to go to detox at some point. Q: Did you have to do a process in order to get off the medication? A: Yeah[.]” **Exhibit J**, *Tr. of E.G. First Trial Testimony*, 26:3–25 — 27:1–9.

With respect to Dr. Faria: “Q: Are there concerns about providing stimulants as well as benzodiazepines at the same time? A: Yes. They can potentially offset the effects of each other, but they can also in some people hide how impaired they may feel from the depressant aspect of the central nervous system depressants.” **Exhibit K**, *Tr. of Dr. Faria First Trial Testimony*, 51:24 — 25 — 52: 1- 4; “Q: Was there any documentation or discussion regarding the side effects of her medications? A: No. **Exhibit L**, *Tr. of Dr. Faria First Trial Testimony*, 55:7–25 — 56:1–2; “Q: Given all this information, Dr. Far-

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ia, do you have an opinion as to Dr. Saeed's prescribing patterns with respect to [V.G.]? A: I believe he was indiscriminately prescribing medications that were hazardous and he didn't do the appropriate safety parameters in place for patients. Q: In your opinion, is the combination of stimulants and benzodiazepines that Dr. Saeed was prescribing [V.G.] dangerous? A: It could have been, yes." **Exhibit M**, *Tr. of Dr. Faria First Trial Testimony*, 66:13–22. With respect to Dr. Borowsky, the State introduced similar statements concerning Dr. Saeed's prescription practice, including: "Q: Did you see anything in Dr. Saeed's records that justified a prescription for a narcotic drug like tramadol? A: No. Q: Do you also as a doctor have concerns about drug interactions? A: Absolutely. This is a big issue...So there's lots of interactions between opioids and benzos, which are Valium and such and ADD drugs. There's uppers and downers, and all these things interact and can cause disastrous situations." **Exhibit N**, *Tr. of Dr. Faria First Trial Testimony*, 54:14–25 — 1–9.

Importantly, not all of the trial transcripts from the First Trial were produced. Following the First Trial, several specific transcripts were identified and produced for purposes of preparing for the Second Trial examination of witnesses. Counsel has made a request for the production of the State's Opening and Closing Statements from the First Trial, which may also shed additional light as to how the State argued the Prescription Issues specifically in tandem with all counts alleged against Dr. Saeed, including the Prescription Counts adjudicated by the first jury

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in his favor. Even without the State's Opening and Closing Statements from the First Trial, the First Trial transcripts reveal the State's prosecution of Prescription Issues. These related to the State's theory that patients would return to Dr. Saeed's office because they were addicted or dependent on his prescription regimen when such patients did not require such treatment, thereby resulting in prescriptions provided by fraud, deceit, or subterfuge. This was a central feature of State's theory, and which the State had articulated since the earliest point in this case. The first jury finding Dr. Saeed not guilty on all Prescription Counts demonstrates a clear rejection of the Prescription Issues (as identified within the *Motion* and *Amended Motion*). Furthermore, as discussed in the *Motion*, an earlier judgment in a criminal case is "conclusive to all issues actually litigated and adjudicated." See *State v. Nunez*, 167 Ariz. 272, 277 (1991). Moreover, the Prescription Issues are not relevant to whether or not sexual abuse, sexual assault, or fraudulent schemes and artifices occurred, and therefore could not have come in at the Second Trial on any other grounds. At the Second Trial, the patient victims could have described their respective experiences of any physical examination. The issue of whether or not they became addicted to Dr. Saeed's prescription practice, for example, was not necessary or relevant to determine the credibility of statements surrounding allegations of inappropriate examinations, including claims of assault or abuse during an examination, which could have easi-

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ly been discussed and examined without discussing prescriptions.

II. Late Disclosure — Sgt. Andreacola’s Report Disclosed June 10, 2025 at 5:35 pm

Under Rule 15.1(b)(4)(B), Ariz. R. Crim. P., disclosure is required regarding, for each expert who has examined a defendant or any evidence in the case, or who the State intends to call at trial, “any report prepared by the expert and the results of any completed physical examination, scientific test, experiment, or comparison conducted by the expert[.]”

Here, respectfully, the parties have slightly differing views with respect to the surveillance video. Counsel recalls that a concern was expressed to the State pre-trial about disclosing the entirety of the surveillance video in light of HIPAA concerns. Counsel recalls that when the Court initially ordered the disclosure of the surveillance video, the Court had indicated that the disclosure could be done via “the cloud” or something similar. To that end, the videos were uploaded onto a shared drive, timely submitted to the State, which contained the videos regarding the patient victims at issue. However, videos regarding patients not involved in the case were not uploaded to the shared cloud, with Dr. Saeed again citing HIPAA concerns. Ultimately, that concern appears to have been deemed legitimate, given that the Court later prohibited the State from showing any surveillance video during the Second Trial relating to any other patient. Notwithstanding this point, Dr. Saeed takes the point raised

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by the State which appears to indicate that had the State been in possession of the surveillance video sooner, perhaps it could have prepared the Report disclosed June 10, 2025 at 5:35 pm sooner. To that end, Dr. Saeed respectfully incorporates the *Motion in Limine and Objection re: Flight Instruction* by reference (filed June 3, 2025). As noted more fully by that *Motion*, the State actually had the opportunity to take the very same surveillance video during the execution of a search warrant at MedPsych in early 2022, but did not collect it despite the fact that the hard drive was sitting in plain view and was apparently covered within the scope of items that could have been seized. There was nothing criminal or wrongful about Dr. Saeed later taking any of his personal items at any point in time.

Importantly, the State never indicated pre-trial that it really hoped to have the entirety of all patient videos (including patients not involved in this case) specifically in order to conduct a statistical analysis. Furthermore, counsel recalls Sgt. Andreacola testifying at the Second Trial, Sgt. Andreacola acknowledged it would take years to individually review all of the surveillance video as to each and every patient (other than those included in the indictment) in order to conduct a complete statistical analysis. Therefore, to make the argument that Dr. Saeed did, should have, or even could have, completed this sort of statistical analysis on his own from January 2024 to June 2025 is a position contrary to the State's own expert's opinion about how much time it would take to complete such an analysis, and is completely un-

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realistic. Moreover, had the State indicated pre-trial that it wanted to complete a full statistical analysis of every single patient video, defense counsel could have asked its own tech expert to attempt a similar analysis. Finally, if the State believed it needed more time to complete any statistical analysis, it could have simply moved for a continuance of the trial date which it did not do.

All of this is a red herring, however. The real issue here is, upon the recollection of counsel regarding Sgt. Andreacola's Second Trial testimony — Sgt. Andreacola appeared to indicate that the State had not asked him to perform any statistical analysis until the first day of trial. Indeed, when Sgt. Andreacola did have the surveillance video, he authored a Report (dated May 23, 2025) which indicated the work he was asked to do and which he completed. By his own statements in the Rule 15 interview, the May 23, 2025 Report he authored was comprehensive of his role. See **Exhibit B**, 3:21–23. If the State had really asked Sgt. Andreacola to complete a statistical analysis prior to trial, Sgt. Andreacola would have said so or the State should have clarified to indicate as much during his Rule 15 interview. The fact that this did not occur, coupled with the disclosure of the June Report on the evening of the second day of trial, demonstrates a clear violation of the disclosure rules, and Dr. Saeed was prejudiced in light of his total inability to perform any similar analysis, to understand or determine how Sgt. Andreacola selected his sampling of patient videos, and to understand or determine Sgt. Andreacola's technology and methodol-

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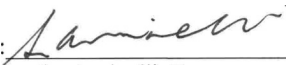
ogy used to generate such a report, all of which would have provided critical material for purposes of cross-examination and/or Daubert briefing. By not having any time or understanding of the methods and technology used to generate the June 10, 2025 Report, Dr. Saeed was prejudiced in his ability to contest the substance of the same.

CONCLUSION

For the reasons stated herein and in prior briefing, Dr. Saeed respectfully requests this Court to grant the Amended Motion. Separately, Dr. Saeed respectfully moves and requests the Court to allow Dr. Saeed two (2) additional pages, due within two (2) days of any Court order granting the same, to address the remaining issues concerning due process and the Confrontation Clause. Additional briefing is necessary in light of the significant complexity and depth of this case, and in order to fully and effectively Reply.

RESPECTFULLY SUBMITTED this 24th day of September, 2025.

ANSINELLI LAW, PLLC

By:  _____

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and emailed
this 24th day of September, 2025, to:

Honorable Scott McDonald
Superior Court — Pima County

Appendix V

Copy of the foregoing emailed
This 24th day of September, 2025 to:

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Appendix W

[Filed: Nov. 4, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, Petitioner, and MUHAMMAD SAEED, Defendant.	NO. CR20235154-001 NO. 2 CA-CR 2025-0161 SECOND AMENDED NOTICE OF APPEAL Assigned to: Hon. Scott McDonald
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Defendant Muhammad Saeed, by and through his counsel undersigned, respectfully files the foregoing Amended Notice of Appeal, pursuant to A.R.S. §13-4033(A)(3), Rule 31.2(h), Ariz. R. Crim. P.; Rule 24.2(c),(d), Ariz. R. Crim. P.; Rule 31, *et seq.* Ariz. R. Crim. P., including Rule 31.1(a)(2),(c)(3),(6)-(7), Ariz. R. Crim. P.

In addition to the scope of any prior Notice or Amended Notice of Appeal filed in this matter, the substance of which is fully incorporated herein by reference, the foregoing Second Amended Notice of

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Appeal relates to the following post-trial filings and rulings, and concerns any and all issues and related matters addressed or considered by and within, including related Exhibits, court transcripts, etc.:

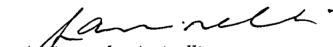
- The Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. and any related Exhibits (filed September 5, 2025), including any related trial Exhibits, transcripts, testimony, evidence, oral argument, and/or trial court Rulings during trial or pre-trial which are relevant to any issues raised within the Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P.;
- The Motion to Exceed Page Limit Re: Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. (filed September 8, 2025);
- The Amended Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. (filed September 12, 2025), including any related trial Exhibits, transcripts, testimony, evidence, oral argument, and/or trial court Rulings during trial or pretrial which are relevant to any issues raised within the Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P.;
- The Reply to Amended Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. (filed on or about September 24, 2025);
- The Supplemental Reply to Amended Motion to Vacate Pursuant to Rule 24.2(A)(1),(3), Ariz. R. Crim. P. (filed on or about October 3, 2025);

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- The trial court's denial of the Motion to Exceed Page Limit (entered by Minute Entry Order on September 8, 2025);
- The trial court's denial of the Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. (entered by Minute Entry Order on September 11, 2025); and The trial court's denial of the Amended Motion to Vacate (entered by Minute Entry Order on October 13, 2025).

RESPECTFULLY SUBMITTED this 3rd day of November, 2025.

ANSINELLI LAW, PLLC



By: /s/ Samantha Ansinelli

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and a copy submitted
this 3rd day of November, 2025 to:

Honorable Scott McDonald
Superior Court — Pima County

Clerk of the Superior Court
Superior Court — Pima County

Clerk of the Arizona Court of Appeals, Division II

Copy of the foregoing mailed
this 3rd day of November, 2025 to:

Sterling Struckmeyer, Esq.
Arizona Attorney General's Office
400 West Congress Street #315

Cite as: App. to Pet. for Cert.

App. 203

Appendix W

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Appendix X

[Filed: Dec. 1, 2025]

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**IN THE ARIZONA COURT OF APPEALS
DIVISION TWO**

STATE OF ARIZONA,	NO. 2 CA-CR 2025-0161
Plaintiff,	SUPERIOR COURT IN
Vs.	PIMA COUNTY NO.
MUHAMMAD SAEED,	CR20235154-001
Defendant.	NOTICE OF CORRECTION

Defendant Muhammad Saeed, by and through his counsel undersigned, respectfully files the foregoing Notice of Correction.

On November 20, 2025, Defendant filed a Motion for Reconsideration. During the preparation of that filing, Defendant discovered that his Second Amended Notice of Appeal (ROA 19-S) was date stamped with “November 4, 2025” as the filing date, although the original had been filed to the Superior Court on November 3, 2025.

Following this discovery, counsel undersigned discussed the issue with the Clerk of the Superior

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Court, who agreed that the date upon the Second Amended Notice of Appeal should be corrected to November 3, 2025.

Ultimately, the Clerk of the Superior Court provided a corrected date upon the Second Amended Notice of Appeal, which now indicates that that document was filed on November 3, 2025. *See* Exhibit A, attached hereto. Counsel respectfully requested that the Clerk of the Superior Court forward the Second Amended Notice of Appeal with the corrected filing date to this Court, which was agreed to. Out of an abundance of caution, counsel undersigned respectfully provides the foregoing Notice of Correction to alert this Court of the corrected date upon the Second Amended Notice of Appeal.

RESPECTFULLY SUBMITTED this 1st day of December, 2025.

ANSINELLI LAW, PLLC

By: /s/ Samantha Ansinelli

Samantha Ansinelli, Esq.

Attorney for Muhammad Saeed, MD

Copy of the foregoing filed and a copy submitted
this 1st day of December, 2025 to:

Clerk of the Arizona Court of Appeals, Division II

Copy of the foregoing mailed
this 1st day of December, 2025 to:

Sterling Struckmeyer, Esq.
Arizona Attorney General's Office
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Tucson, Arizona 85701

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SAEED *v.* ARIZONA

Appendix X

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Appendix X

EXHIBIT A

[Filed: Nov. 3, 2025]

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**IN THE SUPERIOR COURT OF
THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, Plaintiff,	NO. CR20235154-001 NO. 2 CA-CR 2025-0161
and	SECOND AMENDED NOTICE OF APPEAL
MUHAMMAD SAEED, Defendant.	Assigned to: Hon. Scott McDonald

Defendant Muhammad Saeed, by and through his counsel undersigned, respectfully files the foregoing Amended Notice of Appeal, pursuant to A. R. S. §13-4033(A)(3), Rule 31.2(h), Ariz. R. Crim. P.; Rule 24.2(c),(d), Ariz. R. Crim. P.; Rule 31, *et seq.* Ariz. R. Crim. P., including Rule 31.1(a)(2),(c)(3),(6)-(7), Ariz. R. Crim. P.

In addition to the scope of any prior Notice or Amended Notice of Appeal filed in this matter, the substance of which is fully incorporated herein by

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reference, the foregoing Second Amended Notice of Appeal relates to the following post-trial filings and rulings, and concerns any and all issues and related matters addressed or considered by and within, including related Exhibits, court transcripts, etc.:

- The Motion to Vacate Pursuant to Rule 24.2(a)(1),(3), Ariz. R. Crim. P. and any related Exhibits (filed September 5, 2025), including any related trial Exhibits, transcripts, testimony, evidence, oral argument, and/or trial court Rulings during

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A. No. I was nervous.

THE COURT: Please do not pull that up until you have permission. Thank you.

PARALEGAL: I apologize.

BY MR. BLOOM:

Q. Did you tell the police that you were actually against meds and didn't want meds?

A. I got to a point where I didn't want to take them anymore, yes.

Q. Didn't you tell the police in that same interview — take a look on page 11 — that you were against meds and didn't want Adderall and you were against whatever he gave her?

A. Yes. That's correct.

Q. So on the one hand you're saying you went back for three and a half years because you wanted the meds, but you were against the meds?

A. I was addicted to them and I got — I became against them, yes.

Q. Let me ask you a question. You said that the very first time you went and met with Dr. Saeed he touched you inappropriately.

A. He did, yes.

Q. You had been given a referral by your primary care doctor, Dr. Rachel Toles?

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shouldn't have happened.

Q. I want to talk to you a little bit about the prescriptions that he prescribed to you.

A. Okay.

Q. Tell us about your experience with his prescribing practices with respect to you.

A. Anything I needed. If I was having trouble sleeping at night, it's another medication. If I was complaining of migraines, it was another medication. If I had a little bit more anxiety, it was much more medication.

Q. How did this medication affect you?

A. My mother would describe it like a zombie-like state. I ended up getting addicted to the Xanax he was prescribing me.

Q. Was it the Xanax — if you were feeling depressed, he would increase the dosage of the Xanax?

A. If I was feeling anything almost he would increase the dosage of the Xanax.

Q. Do you recall how much Xanax you were taking at any point while Dr. Saeed was your doctor?

A. Two milligram bars twice a day.

Q. What happened as a result of you — did you take that Xanax as he prescribed?

A. I did. And he prescribed a good amount of it.

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PIMA COUNTY SUPERIOR COURT

Adderall and these stupid muscle relaxers. And then he also gave me this Lorazepam that made me so out of it.

Q. Do you believe that the quantity of drugs, combination of drugs is making it difficult for you to recall those incidents in that time period?

A. I think a lot of this like has been suppressed and then it came out in nightmares and flashbacks over time, haunted memories like — so, yeah, there's probably more, but I don't want to remember it.

Q. I'm sorry, but you have to do your best to remember today.

A. Sorry. I know. I know.

Q. So just do your best and if you don't recall, let us know that you don't remember and that's just fine. Okay?

A. Go ahead. Sorry. I'm just --

Q. What was the result of you taking all of these medications?

A. Like they were supposed to help me, but the result became like rare. Like I became more depressed, more withdrawn, more like — just like numb to everything, like a loss in vision like at that time towards the end of school. Like I didn't want to care about becoming a psychiatrist anymore.

Q. Do you believe that you were addicted to the medicine?

A. Yes. Definitely. Yeah, yeah. Like I had to go to detox at some point.

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Q. Did you have to do a process in order to get off the medication?

A. Yeah. When I left college like and I went back to my doctor in New York, he was appalled, like shocked. And I had to be tapered off most of — like all of it, tapered down to a dose that wasn't lethal to myself.

Q. At some point — I want to back up and go back to the physical examinations. Is that okay?

A. Yeah.

Q. At some point did he touch your breasts?

A. Yes.

Q. Can you describe that for us?

A. So like how it started was I said to him like my grandma passed away from breast cancer and had breast cancer. That was something I said in our very first appointment. And he was like, well, we should definitely be doing breast examinations on you to check for breast cancer and so forth.

That's not what a psychiatrist does. I know that now. So we would — when I came in, we — not every visit, but I would say like every other visit, every, you know, every other other visit we would do an examination

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Q. And what was that, if you recall?

A. For which date are we talking about?

Q. After 10–28–15.

A. Oh, yes. So basically he switched her back to clonazepam and dextroamphetamine. So he basically switched her to another type of stimulant called methylphenidate toward the end of October. And then — or in October, and then toward the end of October he switched her back to another benzodiazepine and the dextroamphetamine/amphetamine with no reason for the change or why he had done that. He also gave her Soma again without a medical reason.

Q. What is your opinion of Dr. Saeed's prescribing practice with respect to K ■■■ D ■■■ ?

A. I think he was also prescribing it indiscriminately and dangerously.

Q. K ■■■ D ■■■ described that Dr. Saeed lifted her shirt and her bra up exposing her breasts and pulled her pants and her underwear down to her buttocks and then further exposing her vagina. He would then touch and feel her buttocks. Does any of that sound like a medically appropriate or necessary physical exam?

A. No.

Q. Do you have previously admitted State's Exhibit 26? Those first few pages, do those look like

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being prescribed?

A. Yes, because he didn't qualify her degree of discomfort, what it was for, how long he was going to plan on doing that, and he didn't try to get outside records to corroborate her report of having been in a car accident.

Q. Are there concerns with the interactions between the Soma, the dextroamphetamine and lorazepam and the oxycodone?

A. Yes.

Q. What are those concerns?

A. More sedation that she was experiencing.

Q. Did Ms. G [REDACTED] see Dr. Saeed again on November 2nd, 2015?

A. On November 2nd, yes.

Q. Did he provide her with a prescription at that time?

A. I don't know if she saw him or he just prescribed it to her, I can't recall, but he did give her more lorazepam.

Q. Was that concerning to you?

A. That was because he had given her a good amount of lorazepam before and so this was just one day before her visit on the 3rd.

Q. Did you describe that meeting or that prescription in your report?

A. Yeah. I said that it was appalling.

MS. ANSINELLI: Objection, Your Honor. This goes far beyond the scope of her testimony. She shouldn't be reading hearsay.

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THE COURT: Sustained. I mean, the report may refresh her recollection, but...

BY MR. STRUCKMEYER:

Q. Does the report help refresh your recollection as to your opinion of that lorazepam on that date?

A. Yes.

Q. What is your opinion of that prescription?

A. That it was excessive. It was appalling that he had prescribed her that, given the circumstances and the medications she was already receiving from him.

Q. Did Ms. G [REDACTED] then see Dr. Saeed on November 3rd?

A. Yes.

Q. Anything particular about that appointment?

A. So on that visit she had said that she had drank and woken up and felt like she was in shock. And that to me alludes to problematic drinking patterns for her and high-risk patterns, given her prescription history. So if she's mixing alcohol with these medications, that's dangerous. And there's no evidence that Dr. Saeed

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Q. Okay. And did he switch her benzodiazepine medication at that time?

A. Yes. He switched her from that clonazepam to lorazepam.

Q. Is this significant to you?

A. Yes, because I don't know why he did that. Generally we don't combine those. Once you're on one type of medication like a benzodiazepine, you stay on that type of benzodiazepine.

Q. Not intended to go back and forth?

A. No.

Q. Any indication from Dr. Saeed about what Veronica Gonzalez should do with any of her remaining clonazepam that she might have had?

A. No.

Q. Did Dr. Saeed also introduce another prescription drug?

A. Yes. He introduced cyclobenzaprine, also known as Flexeril.

Q. What is cyclobenzaprine?

A. It's a muscle relaxer.

Q. And what are some of the — well, are there potential drug interactions between benzodiazepine

—

A. Yeah. It can be very sedating for people.

Q. So cyclobenzaprine is a sedating drug or can

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Q. In fact, did he add?

A. He added tramadol.

Q. What is tramadol?

A. Tramadol is a — it's not a traditional opioid, but it's an opioid-like medication for pain and it's also — the classification for it changed because of its addictive potential.

Q. There's been some questions that the tramadol is like the lowest potent opioid there is maybe.

A. Yes.

Q. I'm paraphrasing. The jury can refer to their own recollection. Does that sound true to you?

A. It's — it has less addictive potential and, yes, less potent opioid agonist properties.

Q. Does that make you any less concerned about the combination of the drugs Dr. Saeed previously prescribed?

A. Not overall. The global mixture of medications he's giving her, no.

Q. Any indication from Dr. Saeed's notes that he described side effects or drug interactions with V ■■■ G ■■■ ?

A. No.

Q. On September 8th, 2015, did Dr. Saeed see Veronica Gonzalez again?

A. Yes.

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out in the file? Not to Dr. Faria. Right? And maybe if he was just prescribing Adderall, perhaps we wouldn't be here if he was just prescribing Adderall in those circumstances where people were going to see him because they need Adderall or want Adderall. That's not the circumstances we have here.

We have patients going to see him for panic, anxiety, and ADHD and are immediately prescribed Benzodiazepines and stimulants. Dr. Saeed is aware that this is a dangerous combination and unnecessary. All right? That dangerous combination is not me arguing. That's your doctor in the court that talked about dangerous combinations, regardless of whether a single prescription drug is within the therapeutic limit that's prescribed.

That's not what this case is about. This case is about repeatedly prescribing Benzodiazepines on multiple counts, as well as Ambien, sleep aids, as well as stimulants. It's such a combination that it's dangerous to the patients. And it's not justified by anything that was prescribed by Dr. Saeed. His patients are not acute. They're not in danger of harming themselves or others. There's no reason they should be seen every other week and prescribed a prescription at every single appointment, despite every single one of them describing they're not even filling their prescriptions as he's prescribed them because they think it's too much.

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L ■■■ V ■■■ had bottles of prescription drugs that her mother is hiding from her. Right? Every single one of these patients, V ■■■ G ■■■, ■■■ P ■■■, all described not filling prescriptions that Dr. Saeed provided. Heaven forbid if they had been taking the prescriptions as he was prescribing in the amounts he was prescribing. There might have been far worse consequences.

And all of them talk about the consequences as they existed, just based off the prescriptions that he provided that they weren't following to the full extent. Every single one of them talked about being addicted to these drugs, talked about the process of trying to get off of these drugs, the Xanax in particular.

Dr. Faria described indiscriminate prescribing practice. Dangerous combination of drugs. This is not medicine. This is fraud. And you know these drugs are addictive and you create addiction when you're prescribing them at every appointment in increasing doses and your patients know they have to come back to get their doses. They know they have to get a physical exam in order to get those prescriptions. We're not talking about medicine anymore. We're talking about fraud that

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you're submitting to a physical exam?

A. Yeah.

Q. In other words, if somebody off the street had come up and said, V [REDACTED] G [REDACTED], I want to massage your butt, would you have consented to that?

A. No.

Q. When Dr. Saeed takes you back into a medical examination room, did you consent to him examining your buttocks?

A. No. Just an exam.

Q. Did he massage your buttocks?

A. Yes.

Q. At the time did you think that was a medical exam?

A. Yeah, I did.

Q. If somebody off the street had come up to you and said, V [REDACTED], I want to massage or touch your breasts, would you agree to that?

A. No.

Q. When Dr. Saeed massaged and touched your breasts, did you think that that was a medical exam at the time?

A. Yes.

Q. Do you think that's a medical exam today?

A. No.

Q. Would you have consented to that touching if you had thought it wasn't a medical exam?

A. No.

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Q. The prescription drugs that you were prescribed, have you been prescribed the same drugs since then?

A. Yes.

Q. Have you been prescribed them in the same quantities or combination?

A. No. They're different. It's different.

Q. How is it different?

A. The dosage.

Q. Okay.

A. And the intake on it.

MR. BLOOM: Judge, objection.

THE COURT: What's the basis?

MR. BLOOM: The basis is the motion we previously filed.

THE COURT: Parties approach.

(Whereupon there was a conference at the bench among the Court and counsel, on the record, as follows:)

MS. ANSINELLI: That's a pending issue --

THE COURT: Specifically which motion are you referring to?

MS. ANSINELLI: Specifically the motion regarding subsequent providers. Encapsulated in that motion we argued there should not be any reference to subsequent care by any subsequent provider.

THE COURT: You said subsequent diagnoses.

MS. ANSINELLI: No, no. We said subsequent provider.

THE COURT: So hold on. One at a time. And I've been clear that when we have one witness, one

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objection. So I will permit it this time since you filed this motion, but again —

MS. ANSINELLI: Yes, Your Honor.

THE COURT: — Ms. Ansinelli needs to argue it, not this tag team.

MS. ANSINELLI: Yes, Your Honor. Absolutely.

THE COURT: Ms. Ansinelli.

MS. ANSINELLI: Your Honor, so that is a pending issue. I know that Your Honor said we'd take it up later today and so our argument is that it's not appropriate to be eliciting this type of evidence right now while our remaining issue — if Your Honor precludes that information, that would not be information that would be able to come out in front of the jury and this falls directly within the scope of what we filed. So at a minimum it's a live issue that —

THE COURT: What is the problem? I understand diagnoses, but what is the issue with seeing subsequent providers?

MS. ANSINELLI: It's not about seeing subsequent providers, but the allegation that they changed their treatment plan or care after seeing Dr. Saeed, implying heavily that they did so because they thought what he was doing was wrong or inappropriate or things of that nature, A, we don't have any records from any subsequent providers, so we have no ability to cross-examine on that point.

THE COURT: Let's have our jury take a break.

MS. ANSINELLI: Thank you.

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THE COURT: My apologies, members of the jury. We're so close to our break, and rather than make you listen to that noise, we'll just take our lunch break a little bit early. Ordinarily we break at 12. It's 11:56. We'll take a 90-minute break and we'll bring you back out here at 1:30 on the dot. Remember the admonition.

(The jury is no longer present in the courtroom.)

MR. STRUCKMEYER: Judge, can the witness come off the stand?

THE COURT: Absolutely. Ms. [REDACTED], we'll see you back here at 1:30. Thank you.

So I see the objection, but there's literally no legal grounds for it. So help me to understand.

MS. ANSINELLI: Your Honor —

THE COURT: It just says — let me finish — the State should be precluded. That's it. There's no — I don't understand it. 403, what is the basis, hearsay?

MS. ANSINELLI: Procedurally, Your Honor, first, we filed the motion to preclude the medical conclusions, treatment plan, the medical decisions --

THE COURT: Slow down.

MS. ANSINELLI: — different providers. That was filed on June 4th. And then Your Honor said based on Rule 16 it's denied.

THE COURT: You filed including a motion to extend the page limits on Thursday afternoon that I got the motion, correct.

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MS. ANSINELLI: Yes. And so then we filed that renewed motion and it incorporated this motion, so encapsulated it.

THE COURT: I have not even finished reading your renewed motion and the Court will not read —

MS. ANSINELLI: I just wanted to say for purposes of the record, but it dovetails off of that original motion. And the case law cited there is really hearsay, that it relies on hearsay to say the subsequent provider did certain actions because they thought that the care that Dr. Saeed provided was inappropriate in some level or not, you know, acceptable in some form that may be harmful. That's a strong implication when you're saying this person's medication changed or it drastically changed or differed in a significant way. There are different problems with that, some of it which is the subsequent providers themselves may not have been in —

THE COURT: It's not a statement. How is it hearsay?

MS. ANSINELLI: Well, Your Honor, insofar as anybody says — and this is not just for V.G. but for other victims — but insofar as anybody says my provider changed my care because I was drug dependent on Dr. Saeed's care, that would be hearsay. If she's just saying, well, my recollection is that I got X amount of dose and now I'm getting Y amount of dose, that is based on her own knowledge and experience. But the secondary problem with that is that we have no medical documentation from any other provider and we have no ability to say, well, this is

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maybe what you presented to subsequent providers, maybe this is the scope of things that you said, and now this is the care that you received based on that. It could be an entirely different set of circumstances why the care changed, and we just don't have any access to that. So that's the other problem with that.

And the last problem is, those allegations were the same that supported the drug counts in the last trial and the jury considered that and they said he was not guilty. The theory was that Dr. Saeed was prescribing and his prescribing patterns caused drug dependent patients. That was the argument that was made to support those counts, and the jury last time heard all of that and they said he's not guilty. So to now include all of the drugs and the same context but not have those counts, I think it's res judicata on these issues. So that would be the third problem I see when you're talking about, well, you're drug dependent, your care caused you to be drug dependent, and you're talking about the very same drugs —

THE COURT: Isn't that the entire basis for the fraud schemes?

MS. ANSINELLI: No, Your Honor, because the fraud schemes says, to wit, touching or like massage. That's the fraud schemes that —

THE COURT: I don't know. Maybe I'm misunderstanding the State's argument then.

MS. ANSINELLI: Yes. It doesn't say, to wit, purchasing medications or purchasing a prescription.

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THE COURT: But the scheme, is it the scheme prescribing medication? That's what I thought they said in their opening.

MS. ANSINELLI: Well, my understanding at least was the scheme was that he is purportedly performing physical examinations that has no basis — that there's no actual reason for him to be doing those examinations, not with respect to the drug prescriptions that he's giving to them.

So the State has already charged under the same facts, obtaining or procuring drugs by fraud, that was a fraud scheme with respect to the prescriptions, and the prior jury already found him to be not guilty on that fraud.

THE COURT: This is exactly why this motion is — and I found it untimely. And I understand there's a difference and I tried to hear as many motions as I can, but, I mean, you're arguing *res judicata* and these motions and filing a motion to exceed page limit on Thursday afternoon when trial starts Monday, I mean, it — I cannot think of a more obvious example why the rules are the way they are. And as I said, I have tried and I have heard some of your motions and I will continue. I mean, I think there's a difference between those that were filed on Monday or Tuesday. I have had time to review those. I have not, candidly, finished your, quote, renewed motion.

Let me hear from the State.

MR. STRUCKMEYER: So, Judge, the example that Defense counsel says is permissible is exactly what V ██████ G ██████ was talking about, which is

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she was prescribed X dose, her new dose is X. It's not based on hearsay, it's not based on any statement from outside of court. It's based on her own understanding, her own personal knowledge of what she was prescribed by Dr. Saeed versus what she was prescribed after the fact.

I haven't asked her once what her new diagnosis was, I haven't asked her anything about what a different psychologist told her about her diagnosis, I haven't asked her what her diagnosis was or what a psychiatrist said about her prescription. She is not being asked that. She hasn't offered that testimony. None of that is hearsay. This is questions and answers given based off her personal knowledge of her own prescription history.

To the extent they need something to cross-examine V ■■■ G ■■■ regarding what her personal knowledge or her personal need for prescriptions, they have PMP records that are updated about V ■■■ ■■■ and what she was prescribed. That's certainly fair game. If they believe that she's being inaccurate, they can question her about those and certainly her personal knowledge she can testify to about her prescriptions. Again, it hasn't elicited hearsay statements from outside of court.

To the extent Defense counsel is arguing res judicata, facts can support multiple offenses. Here there are offenses that the State underlined regarding facts regarding obtaining or procuring the administration of a dangerous drug by fraud or narcotic drug by fraud can be the same facts that support the State's allegation of fraud under the initial counts.

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The obtaining or procuring was by fraud under those counts. Yes, the jury found those not guilty for whatever reason they did, but that doesn't mean the same facts regarding prescriptions here, effect on the victims here, that can also be admissible as to whether this jury should believe that Dr. Saeed was providing psychiatric care via fraud or not. That's something they should be able to consider. I don't think it's precluded merely because those counts were dismissed.

THE COURT: All right. As to res judicata the Court will deny it. The Court will consider the other argument over lunch. Thank you.

MR. STRUCKMEYER: 1:30, Judge?

THE COURT: Yes, sir.

(A break was taken.)

THE COURT: State of Arizona versus Muhammad Saeed, CR20235154. Counsel are present, jurors are not.

A. few things. The victims — Ms. G [REDACTED] s mother has requested an interpreter. I just want to make sure there's no issue from the Defense as to that.

MR. BLOOM: No objection.

MR. STRUCKMEYER: Thank you, Judge.

THE COURT: And, Mr. Bloom, it's a minor issue. Your whispering is loud. And I know you don't mean anything of it.

MR. BLOOM: I can't tell.

THE COURT: It just sometimes comes off — like, for instance, when there was a video and I can

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hear you saying her feet are on the couch, make a note or something like that.

MR. BLOOM: I apologize.

THE COURT: If I can hear it, I'm guessing Ms. G [REDACTED] can hear it, and I don't know if jurors can. And I just worry that it's — I don't want —

MR. BLOOM: Judge, I will keep it down. Again, I can't tell. I can't tell how loud I'm being.

THE COURT: I know you don't mean anything of it.

Araceli had told me that juror number 3 while walking — I don't know which way — asked Araceli if she's permitted to talk about the case while it's going on. I'm going to simply, when they come out, remind them

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in this case. One is a psychiatrist. The other one is a doctor that's been practicing physical pain medicine here in Arizona for 40 years. They're going to talk about the different medications that these victims were prescribed. The victims themselves are going to describe to you why they agreed to these examinations, why these examinations were not consensual because they thought they were medical examinations and these are not medical examinations. They're going to talk about the effects the prescription drugs had on them.

The doctors are going to describe prescription drugs, which is a combination of benzodiazepines and stimulants. Uppers, downers can create addiction. The victims will talk about how they believe they were addicted, dependent on this medication, therefore, agreeing to Dr. Saeed's physical exam.

The two doctors, Dr. Borowsky and Dr. Faria — Dr. Faria is a psychiatrist. Dr. Borowsky is a pain medicine doctor. Both of them will tell you in no uncertain terms that any of the physical examinations were neither medically necessary nor appropriate in any way.

And then I'm going to ask you to consider the evidence and your common sense because that doesn't get left at the door either. This was Dr. Saeed's care for

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A. Yes.

Q. I'm going to show you what's been marked as State's Exhibit Number 5. Do you recall what Dr. Saeed prescribed you at your very first appointment?

A. I believe it was fluoxetine and clonazepam.

Q. And I'm showing you State's Exhibit 5. Does that State's 5 look familiar to you?

A. It's a patient — oh, looks like a PMP.

Q. You know what a PMP is?

A. Yes.

Q. Prescription monitoring report? Okay. Does that PMP pertain to you?

A. Yes.

Q. Does that show the prescriptions that Dr. Saeed prescribed to you between 2015 and specifically May 15th, 2015?

A. Yes.

Q. May 18th, 2015, and December 11th of 2018?

A. Yes.

Q. Does that show — does that help refresh your recollection as to what he prescribed to you?

A. Yes.

Q. Describe for us, if you can, were there any consequences of the clonazepam that he was prescribing to you?

A. Yes.

Q. Describe that to us.

A. I became addicted to them and reliant.

MR. BLOOM: Judge, I apologize. I can't hear her.

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THE WITNESS: I became addicted to them and reliant.

THE COURT: Thank you, Ms. Gonzalez.

BY MR. STRUCKMEYER:

Q. Did you ever talk to Dr. Saeed about your prescription medications and the quantity or amount that he was prescribing?

A. No. Towards the end I wasn't taking them anymore. I was trying to get off of them.

Q. Did you tell him that?

A. He knew.

Q. So you had had a conversation with him about it?

A. Yeah. He didn't like the idea of it.

Q. Did he tell you not to do that?

A. He kept giving me medicine and he just kept trying to prescribe it. He didn't say otherwise, like to stop.

Q. You felt like it was having negative effects on you?

A. Yes.

Appendix AJ

PIMA COUNTY SUPERIOR COURT

Q. Do you recall that he prescribed you with alprazolam?

A. Yes.

Q. Alprazolam being Xanax?

A. Yes, uh-huh.

Q. You went to see Dr. Saeed for ADD.

A. Yes.

Q. Did you take the drugs as he prescribed them?

A. Yes, I did.

Q. What were the impacts to you of taking the drugs that Dr. Saeed prescribed?

A. I think that the dosage was inappropriate for me, so it affected me negatively.

MR. BLOOM: Judge, I have difficulty hearing the witness.

THE WITNESS: I'm sorry. I think that the dosages and quantity that I was being prescribed was inappropriate for me, so it affected me negatively.

BY MR. STRUCKMEYER:

Q. Okay. Do you feel like you were addicted to the medication he was prescribing?

A. Yes, I do.

Q. Were you dependent on Dr. Saeed in order to prescribe you that medication?

A. I don't know.

Q. Okay.

A. Yeah.

Appendix AJ

Q. You go to see Dr. Saeed for ADD. Dr. Saeed is now prescribing you with lorazepam, alprazolam, carisoprodol. Do you continue to take these medications?

A. I didn't take the muscle relaxers, the Somas.

Q. Why not?

A. Because I didn't have back pain.

Q. Did you ever question Dr. Saeed about physical exams that he was giving you?

A. No, I don't recall that I did.

Q. Did you ever tell him to stop?

A. Not that I can recall.

Q. Why not?

A. He's a doctor. He was a doctor. I think instinctively you trust a medical professional. And at that time, I mean, I had really no medical experience, you know. So I really did not know what to expect. I didn't — it never struck me that maybe this physician was practicing outside of what they should be doing with their license.

Q. Do you know or did you know at the time — did you know at the time whether Dr. Saeed was certified in any other kinds of specialties in medicine?

A. At the time, no, I did not.

Appendix AK

PIMA COUNTY SUPERIOR COURT

A. Yes.

Q. I'm going to show you what's been marked as State's Exhibit 25A, previously shown to Defense counsel. Do you recognize State's Exhibit 45A?

A. Yes.

Q. How do you recognize State's 45A?

A. It's my intensive outpatient program for my Xanax abuse.

Q. Can you tell us what happened?

A. I was addicted to Xanax and I was taking too much of it. And my parents put me in an intensive outpatient program for addicts.

Q. Did you inform Dr. Saeed of this?

A. Yes.

Q. And, in fact, State's 45A was included in your medical records. Right?

A. Yes.

Q. From Dr. Saeed?

A. Yes.

Q. You did tell Dr. Saeed about this?

A. Yes.

Q. And he has your records. What was his response when you told him about this?

A. He said that he thought I didn't need it. He said that he didn't think I had an addiction to it and

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PIMA COUNTY SUPERIOR COURT

Q. Did he add another medication at that time?

A. Yes. He added tramadol, which is a pain medication.

Q. Okay.

A. It's an opioid-like medication.

Q. There's been testimony that that is one of the weakest, if not the weakest opioid pain medications that can be prescribed. Do you have any reason to disagree with that?

A. Yes, it's weaker and it's less addictive, but people still get addicted to it.

Q. Still an opioid?

A. Yes.

Q. What are the side effects of an opioid and a benzodiazepine being prescribed together?

A. Respiratory depression, stupor, coma, slowing of reflexes, sleepiness, confusion.

Q. Did Veronica Gonzalez have appointments on December 8th and then December 15th, as well as January 1st of 2016, where she describes side effects of the medications she's been prescribed?

A. Yes. She had described — on the 8th she described increased drowsiness and on the 15th she said she had fallen asleep at her desk and didn't know how she fell asleep.

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PIMA COUNTY SUPERIOR COURT

A. He increased the fluoxetine to 20 milligrams daily and he added an antipsychotic called risperidone at nighttime, half a milligram.

Q. Increased the Prozac, added risperidone?

A. Yes.

Q. What is risperidone?

A. Risperidone is an antipsychotic medication, and the uses are anywhere from treating symptoms of mania and bipolar illness to psychosis. Very rarely for anxiety at nighttime. I'm not really sure why he prescribed that because it wasn't in the notes. It wasn't clear from the notes.

Q. We'll talk more about his notes, but was there any discussion that you recall about drug interactions with the three drugs that he prescribed?

A. No.

Q. On 7-7 of '15, so roughly a month later, did he switch her benzo prescription?

A. Yes, he did. He switched her from clonazepam to another one called lorazepam. And he gave her about 15 pills of that. He also gave her a muscle relaxer called Flexeril or cyclobenzaprine.

Q. Okay. Was there any indication why he switched from clonazepam to lorazepam?

A. Not that I can see from the notes, no.

Q. Is that significant to you?

A. Yes, because we usually don't change that medication. Clonazepam is a longer-acting benzodiazepine than lorazepam, so not really clear why that happened. And then it seemed like later on he

Appendix AM

switched her back to clonazepam. So just the thinking there wasn't very clear.

Q. Are there effects of going back and forth between two different benzodiazepines that you're concerned about?

A. There can be in terms of the potency of them.

Q. Okay. The cyclobenzaprine, that's a muscle relaxer?

A. That's a muscle relaxer, yes.

Q. Are there side effects to a muscle relaxer?

A. Yes, also sedation, sleepiness.

Q. Is that a CNS depressant as well?

A. Yes.

Q. Does that compound the side effects that are already being felt by the benzodiazepine?

A. Yes.

Q. If you were to prescribe cyclobenzaprine, a muscle relaxer, would you expect to see some sort of physical therapy included in that or some sort of indication that the patient is being treated for a