



**Division of Behavioral  
Health Services**  
Arkansas State Hospital  
305 S. Palm St. • Little Rock, AR 72205-4096  
501-686-9000 • TDD: 501-686-9176



February 7, 2011

FILED 02/07/11 15:59:45  
Larry Crane Pulaski Circuit Clerk  
Clerk SW

Honorable Herb Wright  
4<sup>th</sup> Division  
401 West Markham Street  
Little Rock, AR 72201

**RE: MUHAMMAD, ADBUL**  
AR. Code Section: 5-2-305  
Examination Date: 01/29/11  
Pulaski County Docket No.: CR 2010-3956

Dear Judge Wright:

The above named individual was ordered for a forensic evaluation through the Pulaski County Circuit Court. Attached you will find the completed forensic report performed at the Arkansas State Hospital Forensic Services.

If you have any questions or concerns, please call me at {501} 686-9286.

Sincerely,

  
Teasa Fogle  
Administrative Specialist

tf

cc: John Johnson, Prosecuting Attorney  
Patrick Benca, Defense Attorney  
Pulaski County Circuit Clerk  
Billy Burris, DBHS, Arkansas State Hospital  
File

**Arkansas Department of Human Services  
Division of Mental Health Services  
Arkansas State Hospital**

**Addendum to Forensic Report**

**IDENTIFYING INFORMATION:**

**DEFENDANT:** Abdul Hakim Muhammad  
**DATE OF BIRTH:** 7/9/85                      **AGE:** 25  
**DEFENDANT'S HOSPITAL NUMBER:** 702421  
**CHARGES AND DOCKET NUMBERS:** Battery 2nd Degree (CR 10-3956)  
**DATE OF COURT ORDER:** 12/22/10  
**DATE OF EXAMINATION:** 1/29/11  
**PLACE OF EXAMINATION:** Forensic Unit of the Arkansas State Hospital  
**DATE REPORT SUBMITTED:** 2/7/11  
**REFERRED BY:** The Circuit Court of Pulaski County, 4th Division

The following information is an addendum to the Forensic Report dated 7/12/10 and 8/13/10.

**INTERVIEW AND DISCLOSURE OF NON-CONFIDENTIALITY:**

At the outset of the examination I reminded Mr. Muhammad of the nature and purpose of the examination, that his participation was voluntary and not confidential, that a report would be made to the court and that testimony may be required. I reminded Mr. Muhammad that he did not have to answer questions or make any self-incriminatory statements. I informed the defendant that, because he had also been charged with a crime that could lead to the death penalty, anything he told me might also be used in the Capital Murder case in determination of his sentence if found guilty. He indicated that he understood and was willing to be interviewed.

**FORENSIC EXAMINATION**

**OFFICIAL VERSION OF THE OFFENSE:**

The Pulaski County Sheriff's Case Summary documented the following:

On October 25, 2010, Inmate Abdul Hakim Muhammad battered PCSO Detention Lt. Emory Martin. While attempting to let Inmate Muhammad from his cell to take a shower, Inmate Muhammad charged at Lt. Martin and struck him in the back of the head. Inmate Bledsoe was sprayed with OC Pepper Spray by Sgt. Hoof, but Inmate Muhammad continued to resist. Additional Detention

personnel responded and Inmate Muhammad was finally subdued. Lt. Martin sustained a minor laceration in the back of his head.

The Pulaski County Sheriff's Officer Supplemental Report dated 10/25/10 documented the following:

At approximately 2130 hours I went to T-Unit to assist the deputies in moving inmate Jackson, Michael from T-302 to a sub day room. When that was finished, I went to the lower front sub day room to help them move inmate Muhammad, Abdulhakim M. I swept and mopped, T-326, the cell he was being transferred to. When I stepped out of T-326 inmate Muhammad was walking toward the shower with handcuffs on his wrists, in preparation for a strip search. Sgt. Lyons, Deputy James and Deputy Roe were walking with him. I stepped aside to let them pass. Inmate Muhammad raised both hands, took a giant step and lunged at me. I turned my head to protect my face and he hit me in the back of the head with the handcuffs. I twisted away and fell to the floor. Sgt. Lyons, Deputy Roe, Sgt. Hoof and Deputy James pushed inmate Muhammad to the floor. He began fighting with them. I got up and attempted several times to get on top of him with my right knee to help hold him down. Sgt. Hoof called a Code Blue (Deputy Needs Assistance) at approximately 2041 hours. Inmate Muhammad continued to fight and kick while on the floor. Sgt. Hoof administered oleoresin capsicum (OC) spray to inmate Muhammad's eyes and nose. He fought harder. I got back to my feet and began picking up radios, keys, pagers and the body alarm to keep them away from inmate Muhammad. Other deputies arrived and assisted in getting him under control and in the shower decontamination...

#### **DEFENDANT'S ACCOUNT OF THE OFFENSE:**

According to Mr. Muhammad, the alleged victim had set up a situation so that Mr. Muhammad could attack him. He explained that the alleged victim wanted Mr. Muhammad to hit him so that he could file more charges against him. He stated that the officer had previously filed terroristic threatening charges against him. Mr. Muhammad said that he planned on retaliating against the officer because he had urinated on his cloths in the past. He stated that he knew his clothes had been urinated on because he could smell the urine on them.

Mr. Muhammad stated, the day of the alleged incident, he had been handcuffed in the front of his body and not in the standard behind the back manner. He attributed this change in routine as an invitation to hit the officer. Secondly, immediately before he hit the officer, the officer had stood between him and the shower "standing like, "What you gonna do?"

The defendant stated that he waited until the officer moved past him so that he could strike him in the back of the head. He said that he waited until that moment to hit the officer "to catch him off guard." He stated that he did not hit the other officers because they had not been the ones to urinate on his clothes in the past."

## **INTERVIEW:**

At the outset of the interview Mr. Muhammad stated that he remembered meeting with me on the prior occasions. When I asked for him to update me on what had happened to him since our last meeting he gave a logical and consistent history. He stated that he went to court and tried to plea guilty to capital murder, but he was not allowed to enter that plea at that time. He reported that, at court on 12/21/10, his lawyer had asked for another Act 3 evaluation because his lawyer had claimed that his mental state had deteriorated due to being in solitary confinement for 23 hours a day. He stated that the judge allowed for another evaluation in "good faith" because the judge "didn't want to do it over again." Mr. Muhammad said that his capital murder trial was scheduled to begin on 2/23/11.

Mr. Muhammad stated that he had just graduated off disciplinary status on 1/20/11. He described the 4 times he had been placed under disciplinary status and his behaviors that earned the restriction. I commented that he appeared much more well kemp from the last time I have interviewed him. He said that previously he had been growing out his hair to have dreadlocks. He also described refusing to talk to people his lawyer had hired to interview him. Mr. Muhammad stated that he had changed his actions because he did not want to do anything further to delay his trial. He explained that previously he refused interviews because he thought it would speed up his trial. Now, he described feeling that if he cleaned up his hygiene and participated in all interviews he would not inadvertently delay his trial further. He said that he expected to meet with the psychologist hired by his attorney next week. He said that he had threatened to fire his lawyers in the past because he thought they were attempting to delay the trial on purpose. He said, "Sitting in county jail for 20 months was pissing me off." He wanted to "hurry up and get it over." Mr. Muhammad stated that now he's "come to realize it's going to take awhile."

Mr. Muhammad stated that he had been reading about his court case in the newspaper. He spoke about reading excerpts of my previous reports that had been printed in the paper. He said that he had agreed with all the information and my accompanying opinions that he had read. I asked him if he had read anything that had been inadvertently inaccurate about his history and he said, "No."

The defendant described his mood at the time of the interview as "normal." He said that he had been sleeping "good" and he continued to do things he found interesting while incarcerated. For example, he read the Quran, Bible, the Psalms and newspapers. He denied any hallucinations, delusions, or thoughts of self harm. When I asked how he had been holding up in solitary confinement he replied, "I'm in a room 23 hour. Anybody would act different, but my mental state is normal. There's no one to talk or mess with you or cause problems. It's like a lion in a cage and you poke him with a broomstick. Pretty soon he'll bite. It's caged. People tried that with me and they suffered for it."

Mr. Muhammad stated that he was prescribed no medications at the time of this interview. He also described the one time he had been placed on suicide watch while incarcerated. He stated that he had written his will and the jailers took it as a suicide gesture and placed him on suicide watch for three days. He explained that he had just rewritten his will because the FBI has seized his original when they took his safe.

#### **EXAMINATION OF FITNESS TO PROCEED:**

On 1/29/11, I administered the Fitness Interview Test - Revised (FIT-R) to Mr. Muhammad. The FIT-R is a structured interview that assists in the assessment of a defendant's understanding of the trial process and issues related to his own defense.

Mr. Muhammad stated his primary lawyer was Claiborne Ferguson and his secondary lawyer from the public defender's office was Patrick Benca. Mr. Muhammad reported that he was being tried in state court and not federal court for several reasons. He said that the primary reason charges had been filed in state court was because they could seek the death penalty. Secondly, he said that he had been under federal surveillance and the federal government did not want to have to disclose their anti-terrorist surveillance information in a courtroom trial. Finally, he said that he might still have to face federal charges, but that they wanted to wait to file until his present charges are ruled upon so that they do not repeat any mistakes that the state prosecutors might make.

According to the defendant, if found guilty of this present charge it could be used against him in his capital murder charge during the sentencing phase. He said that the prosecutors were seeking the death penalty against him. He said that, if found guilty in his capital murder case, he would go to Varner Supermax prison and that "automatic appeals" in his case would be filed. He stated that he read in the paper that a possible sentence for his charge could be 12 years.

Mr. Muhammad stated that he was charged with "2nd Degree Battery." He stated that this was a serious charge because it was a felony and could be used against him in his capital murder charge. When asked if he thought that people might be afraid of him because of what he is charged with he replied, "Maybe or maybe not. They portray me as a killer and violent. Someone who does violence because he wants to. He cannot control myself. So they say."

The defendant stated that he had been in court roughly ten times before. He stated that the role of his lawyer was "to defend me from these charges." He described the role of the prosecutor as "to prosecute me, to prove I'm guilty." He described the role of the jury as, "decides innocent or guilty." He stated that there were 12 jury members and they were selected by the prosecutor and defense attorney. He said that "all" the jurors had to believe that he was guilty to be convicted. He described the role of the witnesses as "to tell what they witnessed."

1. At the time of the alleged conduct, Mr. Muhammad did not have mental disease or defect that would have rendered him incapable of conforming his actions to lawful requirements.
2. Mr. Muhammad demonstrated that he had the ability to control his behaviors at the time of the alleged offenses of as evidenced by his ability to wait until an opportune moment to catch the alleged victim off guard before he hit him.
3. The defendant stated that he hit the alleged victim in retaliation for his assertion that the officer had previously urinated on his cloths. Retaliation is a reasonable and rational explanation for his actions unrelated to mental disease or defect.

Respectfully,



R. Clint Gray, M.D.  
Forensic Psychiatrist  
Arkansas State Hospital