



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE v. MUHAMMAD
CR-21-0073-PR
250 Ariz. 460 (App. 2021)**

PARTIES:

Petitioner: The State of Arizona

Respondent: Rahim Muhammad

FACTS:

Between February and September of 2016, while serving an unrelated prison term, Muhammad sent a series of threatening letters to an Arizona Department of Corrections employee who had earlier obtained injunctions against harassment against him. Muhammad was later indicted on thirteen counts of aggravated harassment.

While his case was pending, in January of 2018, multiple psychologists concluded that Muhammad was not competent to stand trial, but he could be restored. The trial court ordered that Muhammad participate in a restoration to competency program. After several months of treatment, the restoration psychologist determined that despite his “bonafide psychiatric condition,” he was competent to stand trial. The trial court found Muhammad competent. Later, in October of 2018, Muhammad’s new attorney requested a second Rule 11 examination. The trial court ordered a prescreening, but the appointed psychologist determined that Muhammad was still competent. The trial court therefore denied a full second evaluation.

Shortly before trial, Muhammad’s counsel presented a jury trial waiver form signed by Muhammad and explained, “the reasoning behind this is with a name like Rahim Muhammad, my client believed he could not get a fair trial in front of a largely white jury.” The trial court engaged in a colloquy with Muhammad and explained that waiving the right to a jury trial meant “giving up some important rights,” which it outlined. Muhammad confirmed he wanted a trial before a judge and that he understood the possible consequences. The court then found that Muhammad “knowingly, intelligently and voluntarily waived his right to a jury trial.”

Following a two-day trial before a judge, the judge found Muhammad guilty as charged and sentenced him as a category three repetitive offender to consecutive and concurrent prison terms totaling 16.5 years. Muhammad appealed, arguing the trial court abused its discretion in finding he knowingly, intelligently, and voluntarily waived his right to a jury trial because the court “needed to make a specific on-the-record finding of Muhammad’s competency to waive the jury trial” based on his earlier competency issues.

The court of appeals agreed, relying on *State v. Cameron*, 146 Ariz. 210 (App. 1985). The court first observed that *Cameron*, which relied on *Sieling v. Eymann*, 478 F.2d 211 (9th Cir. 1973), held that where a defendant's competency has been put in issue, the trial court must look further than the usual objective criteria in determining whether a waiver is knowing, intelligent, and voluntary because a prior finding of general competency to stand trial does not measure the defendant's capacity to waive those rights by a high enough standard. Therefore, the trial court must "make a specific on-the-record finding of [the defendant's] competency to waive the jury trial."

Applied to Muhammad's case, the court of appeals determined that competency had been put at issue, and the trial court was therefore required to make specific competency findings before it could find that Muhammad knowingly, intelligently, and voluntarily waived his right to a jury trial. The court therefore remanded the case to the trial court for a hearing to determine: "(1) whether the court did, in fact, find that Muhammad was competent to waive his right to a jury trial; or (2) if this cannot be determined, whether Muhammad was, in fact, competent to waive that right." It further specified that if Muhammad is found competent, his convictions and sentences will be affirmed, but that if no such finding is made, his convictions and sentences will be reversed in a supplemental opinion. The State of Arizona petitioned the Court for review of the court of appeals' opinion.

ISSUE:

When a defendant's competency has been put in issue, is the trial court required to make a specific finding of heightened competency before it can find the defendant has knowingly, intelligently, and voluntarily waived the right to a jury trial?

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