


Joey D. Moya

IN THE SUPREME COURT OF NEW MEXICO

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

STATE OF NEW MEXICO,

S-1-SC-37364

Plaintiff-Appellee,

vs.

CASE NO: _____
(D-202-CR-2017-01237) BERNALILLO COUNTY

AMEER MUHAMMAD,

Defendant-Appellant.

The Honorable JACQUELINE FLORES Presiding
SECOND JUDICIAL DISTRICT
BERNALILLO COUNTY, NEW MEXICO

STATEMENT OF THE ISSUES

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SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
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AMEER MUHAMMAD,

Defendant-Appellant.

STATEMENT OF ISSUES

Defendant-Appellant Ameer Muhammad, by and through his undersigned lawyer, hereby submits the Statement of Issues pursuant to NMRA 12-208(E).

Mr. Muhammad was convicted of first-degree murder (felony murder) and shoplifting (\$250 or less) on July 27, 2018. He was sentenced to life imprisonment plus six (6) months by the Judgement and Sentence filed on September 25, 2018. Because this is a capital case, this Court has jurisdiction on appeal.

Issue 1. Whether the trial court erred when it admitted over objection the statements made by Ameer Muhammad to police officers on March 27, 2017, after Mr. Muhammad obtained representation through the Law Offices of the Public Defender, and had previously invoked his right to counsel prior to questioning on March 20, 2017.

This issue was raised by a pretrial motion filed on April 2, 2018, and heard on May 7, 2018. The Motion to Suppress Statements was denied, and the issue was preserved at trial prior to the admission of said statements.

Issue 2. Whether the trial court erred when it refused Defense's request for an instruction on self-defense.

This issue was raised by oral motion by defense counsel prior to closing arguments.

Issue 3. Whether the trial court erred in allowing Detective Tasia Sullivan, who was not the lead case agent during the investigation of this matter, to be designated as case agent for purposes of trial, and allowing Detective Sullivan to sit at the prosecution's counsel table for the duration of the trial.

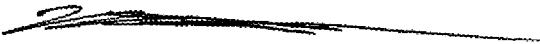
This issue was raised in defense counsel's oral motion immediately prior to commencement of trial.

Issue 4. Whether there was sufficient evidence to convict Mr. Muhammad of first degree murder (felony murder).

This issue was raised in defense counsel's oral motion for directed verdict at the conclusion of the State's case.

Mr. Muhammad is indigent and is represented herein by the Law Offices of the Public Defender. Undersigned counsel represented Mr. Muhammad at trial. The district court has entered an Order appointing the Appellate Division of the Law Offices of the Public Defender as counsel for purposes of appeal.

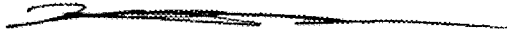
Respectfully Submitted,
By:



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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was mailed to all parties entitled to notice pursuant to NMRA 12-202(D)(1) on November 7, 2018.



Robert C. Martin
Matthias W. Swonger
Counsel for Defendant