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# Attack Suspect Battles Own Lawyers

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By STEPHANIE SIMON

Abdulahkim Muhammad wants the world to know him as a jihad warrior. His lawyers, however, say he's mentally ill.



Associated Press

Abdulahkim Muhammad says attack on military base was jihad; his lawyers say he is mentally ill.

Bledsoe after converting to Islam, has repeatedly tried to fire his attorneys so he could present his "act of war" defense.

Pulaski County Circuit Judge Herb Wright has insisted that the lawyers stay on the case, ruling in May that there wasn't time for a new defense team to get up to speed and declaring on Monday, when the issue was raised again, that Mr. Muhammad was not capable of defending himself.

The U.S. Supreme Court has ruled that defendants who are competent to stand trial are not

In a trial that began Monday with jury selection, Mr. Muhammad faces the death penalty for opening fire on a military recruiting station in Little Rock, Ark., in 2009. He confessed to authorities that he carried out the attack, which killed one Army private and wounded another.

In a series of articulate, impassioned letters to the court, Mr. Muhammad has sought to justify his "jihadi operation" as an "act of war" to avenge what he sees as U.S. mistreatment of Islamic nations. And he denies he is or ever was insane.

His lawyers, Claiborne Ferguson of Memphis and Patrick Benca of Little Rock, say they plan to argue that their client suffers from mental problems. They have filed under seal reports from two medical experts who found Mr. Muhammad to have "organic brain damage," though in interviews they declined to explain precisely what that means.

Mr. Muhammad, a 26-year-old Tennessee native who changed his name from Carlos

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necessarily competent to represent themselves in court.

But that doesn't mean that Mr. Muhammad's lawyers can use an insanity defense over his objections, said Stephen Gillers, a law professor at New York University.

"This is one of the few decisions that belongs to the accused, not his lawyers," Mr. Gillers said.

He noted that a similar issue arose in the Unabomber case, when lawyers for Theodore Kaczynski hoped to use the insanity defense, but he refused. Mr. Kaczynski ended up pleading guilty in 1998.

Mr. Muhammad offered to plead guilty early in his proceedings, Mr. Ferguson said, but state law bars such pleas in capital cases, and prosecutors have refused to rule out the death penalty.

The clash between Mr. Muhammad and his defense team has created a tense dynamic in court. Defense lawyers may face an even tougher situation if Mr. Muhammad demands to testify, said Brian Gallini, an associate professor of criminal law at the University of Arkansas who has been following the case. If he insists, Mr. Gallini says, they will have few options "but to let their client get up there and hang himself."

Mr. Muhammad's father, Melvin Bledsoe, has said repeatedly that his son was brainwashed by Islamic militants, first in the U.S. and then in Yemen, where he was jailed in October of 2008 for overstaying his visa. In an interview, Mr. Bledsoe said he believes his son "was out of his mind" when he shot up the recruiting station and remains seriously mentally ill.

But Mr. Muhammad has been doing everything he can to undermine this defense.

"I have no mental defect or disease, neither past or present," he wrote the court in May. "I was well aware of my actions June 1, 2009, as well as my actions before and after that date."

Mr. Ferguson, the defense lawyer, said his client's statements put the defense team in "a very difficult situation" but they are obligated to pursue the insanity defense as the most effective legal strategy to save him from the death penalty.

"He wants us off the case," Mr. Ferguson said. "The judge won't let us go. We just show up and do the best we can."

Mr. Muhammad and his lawyers have agreed on one thing, that his case should be moved to federal court, which they say is the proper place for a terrorism suspect (and where he is far less likely to face execution).

Prosecutors have declined to discuss their strategy but say Mr. Muhammad's terrorist ambitions are not at issue in this case; they're treating it as a straightforward murder trial.

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