



## Administrative Office of the Courts

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Supreme Court upholds murder conviction of Muhammad Syed

SANTA FE – The state Supreme Court today affirmed the first-degree murder conviction of Muhammad Syed for the shooting death of a man in Albuquerque in 2022.

The Court unanimously rejected Syed’s arguments that there was insufficient evidence to prove he was the shooter and acted with the required criminal intent to deliberately kill the victim, Aftab Hussein. Syed contended the trial court wrongly denied his request for a directed verdict in his favor after the prosecution presented its case to the jury.

“Viewing the evidence in the light most favorable to the guilty verdict, there was substantial evidence from which a reasonable jury could find Defendant guilty of first-degree willful and deliberate murder,” the Court concluded in the decision written by Justice Michael E. Vigil.

The victim was found next to his car outside his home. Evidence indicated he had been shot immediately after arriving home. The car hood was warm when police arrived and the car’s key fob was next to Hussein’s body. He was shot 11 times. A firearms expert testified that a bullet from the victim’s body came from an AK-47-style semi-automatic rifle, which police found under Syed’s bed.

Syed argued the jury could not reasonably infer he was the shooter from evidence presented at the trial. The Court disagreed, explaining that “the substantial evidence needed for a conviction can be direct *or* circumstantial.”

“At trial, the State provided circumstantial evidence showing that Defendant was more closely connected to the car, rifle, and phone used in the murder than anyone else,” the Court wrote.

The justices noted that a gun store clerk testified that Syed had purchased the rifle and picked it up a week and a half before the shooting. Bullets and shell casings from the crime scene matched Syed’s rifle and two shell casings were found in his car. Additionally, data from Syed’s cell phone showed it was at or near the murder scene, and then travelled from the victim’s neighborhood to Syed’s house after the time of the shooting.

The Court also concluded there was sufficient evidence for the jury to find that Syed had the required deliberate intent for first-degree murder.

“Based on the short distance from which Defendant shot Victim, the weapon Defendant used, the large number of shots fired, and the shooting of Victim even after he had fallen down, the jury could reasonably infer Defendant deliberately killed Victim,” the Court wrote.

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To read the decision in *State v. Syed*, No. S-1-SC-40732, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538177/index.do>