

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,)
)
 Plaintiff,)
)
 vs.)
)
 MOHAMED MOHAMED NOOR,)
)
 Defendant.)

**STATE’S RESPONSE TO DEFENDANT’S
MOTION TO EXCLUDE BLIND MMPI 2
RF READING**

MNCIS No: 27-CR-18-6859

TO: THE HONORABLE KATHRYN QUAINANCE, JUDGE OF DISTRICT COURT;
COUNSEL FOR DEFENDANT, AND DEFENDANT.

STATEMENT OF FACTS

The defendant has moved this court to exclude evidence of a blind test interpretation of the MMPI-2-RF test the defendant took on February 17, 2015, as part of his pre-employment screening by the Minneapolis Police Department. The defense motion makes repeated false claims and demonstrates a misunderstanding of the evidence that requires a response. As stated both in the State’s Memorandum of Law in Support of Motion to Admit Evidence from Defendant’s Pre-Hire Psychological Evaluation and in the State’s Response to Defendant’s Motion to Dismiss for Lack of Probable Cause, as part of the investigation in this case, the BCA acquired the defendant’s MMPI testing raw data by search warrant. Those data were provided to an independent psychologist, Dr. Tricia Aiken, who re-scored the test which yielded the same result as that from the examiner in 2015. Dr. Aiken has not met or interviewed the defendant, nor has she rendered any opinion about the defendant or this case. The re-scoring of the test, which is done by computer, was done as an exercise of caution and solely to verify the results from the MPD evaluation.

The State has moved to admit evidence from the MMPI-2-RF administered by Dr. Marvin Logel and discussed and interpreted in the report prepared by Dr. Thomas Gratzner. Drs. Logel and Gratzner were the doctors who tested and evaluated the defendant. The defense has, both in its recent filing and in its response to the State's probable cause motion, grossly and repeatedly misrepresented this evidence and Dr. Aiken's role in the case.

ASSERTIONS IN DEFENSE MEMORANDUM AND STATE'S RESPONSES

1. "Dr. Aiken's report reflects a racial and ethnic bias because it fails to filter out known test bias." P.2.¹

Dr. Aiken simply re-scored the MMPI test from the raw data acquired when the defendant took the test under Dr. Logel's supervision and direction. She was not asked to, and does not pretend to, render an opinion or further analyze the data. The defense fails to mention that neither Dr. Logel nor Dr. Gratzner's results or reports contain any mention of racial or ethnic bias in the MMPI.

2. "Dr. Aiken's report self-discloses that she failed to follow the "well established standard practice" for testing found in the MMPI 2 RF User's Guide for the Police Candidate Interpretive Report." P.2.

Dr. Aiken's report states nothing of the kind. More importantly, she was not administering a test to the defendant, evaluating the defendant as a police officer, or making any representations that she was.

3. "[Dr. Aiken] completely failed to follow the practices outlined in the User's Guide which call for a clinical interview and review of background information making (sic) a conclusion." P.2.

¹ The page numbers refer to the pages in defendant's NOTICE OF MOTION AND MOTION TO EXCLUDE STATE'S BLIND MMPI 2 RF READING.

True. Dr. Aiken, however, was not asked to conduct a clinical interview, review background information, or make a conclusion.

4. "...Dr. Aiken lacks competence in evaluating police officers..." P.4.

Whether Dr. Aiken does or does not have competency in evaluating police officers is irrelevant because she was not evaluating a police officer. She was verifying that the results Dr. Logel got when *he* scored the test by computer were accurate and that is all.

5. "...the State misuses the information in Dr. Aiken's report magnifying all of the failings."
P.4.

All of the information regarding testing the State cites or quotes in its motions and memoranda is the original material from the reports of Dr. Logel and Dr. Gratzler.

6. "Dr. Aiken's blind reading, in fact, never uses the words "indifference" "human" or "life". P.5.

True. No one claims that she did. Those words come from the third degree murder statute and have been used by the State in legal arguments citing information from the original material produced by Drs. Logel and Gratzler.

7. "Neither the information in the report or the assertions by the State are actually from Dr. Aiken." P.7.

True. The information in the psychological reports come from Drs. Logel and Gratzler and the assertions by the State come from the State.

8. "None of the arguments proffered by the State and attributed to Aiken are actually offered as opinions in her report." P.7.

Other than in two footnotes in memoranda of law where her name is not even mentioned, the State has made no reference to Dr. Aiken at all in any pleadings. The State has made no argument and attributed it to Dr. Aiken in any way. Dr. Aiken expresses no opinions in her report.

9. “Moreover, the State’s claim that Dr. Aiken opined that Officer Noor was possessed of an indifference to human life is simply made up.” P.7.


Dr. Aiken has given no opinion about the defendant and the State has made no claim, anywhere, that she has. What *are* simply made up are the defense’s repeated claims that Dr. Aiken did things she did not do, Dr. Aiken said things she did not say, and that the State attributes things to her that it does not.

CONCLUSION

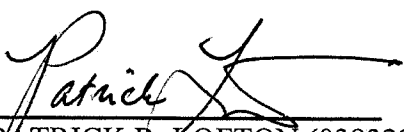
The State hired Dr. Aiken to do one thing and one thing only: verify that the results generated by Dr. Logel and interpreted by Dr. Gratzner regarding the defendant’s MMPI test was accurate by using the exact method Dr. Logel used to score it. The defense either does not understand this fact, or worse, is deliberately trying to attack Dr. Aiken, knowing that the claims they are making to do it are false. The court should view the assertions in the defense memorandum with great skepticism and give no weight to any allegations of impropriety on the part of Dr. Aiken.

Respectfully submitted,

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