

SUPREME COURT OF NEW MEXICO

In the Matter of Death Penalty Sentencing Jury Instructions

222 P.3d 673 (N.M. 2009) · No. No. 09-8300-043 · Decided November 30, 2009

SUMMARY

The Supreme Court of New Mexico approved amendments to UJI 14-121 NMRA and adopted new UJI 14-121A NMRA concerning jury procedures in death-penalty sentencing cases. The amendments, effective November 30, 2009, apply to all new and pending cases in New Mexico district courts and permit the use of separate juries for guilt and sentencing.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Edward L. Chávez; Patricio M. Serna; Petra Jimenez Maes; Richard C. Bosson; Charles W. Daniels
JURISDICTION	New Mexico
DECIDED	November 30, 2009
DOCKET	No. 09-8300-043
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of New Mexico exercised its rulemaking and superintending authority to approve amendments to UJI 14-121 NMRA and adopt new UJI 14-121A NMRA governing death-penalty sentencing jury instructions.
PRECEDENTIAL VALUE	Published Supreme Court of New Mexico order approving and adopting criminal jury instructions

TOPICS

jury instructions sentencing criminal procedure constitutional law

PRACTICE AREAS

criminal procedure death penalty sentencing judicial rulemaking

QUESTIONS PRESENTED

1. Whether the Supreme Court of New Mexico had authority to revise the procedural rules governing jury participation in death-penalty sentencing proceedings.

2. Whether amended UJI 14-121 NMRA and newly adopted UJI 14-121A NMRA should apply to all new and pending death-penalty cases in New Mexico district courts.

HOLDINGS

1. The Supreme Court of New Mexico had authority, pursuant to its constitutional power to adopt procedural rules and exercise superintending control, to revise the procedures governing the use of juries in the limited number of pending death-penalty cases.
2. The court approved the amendments to UJI 14-121 NMRA, adopted new UJI 14-121A NMRA, and made both effective November 30, 2009, for all new and pending cases in New Mexico district courts.

KEY QUOTATIONS

“providing the option of having two separate juries – one to determine innocence or guilt and one to determine sentencing – for the limited number of death penalty cases that remain pending in New Mexico may address some of the concerns expressed by the Governor, the Legislature, and others regarding the death penalty system in New Mexico” (222 P.3d at 674)

FACTUAL BACKGROUND

The New Mexico Legislature repealed the death penalty for crimes committed on or after July 1, 2009, but death remained a sentencing option in a limited number of cases involving earlier crimes. Existing law required a separate sentencing proceeding before the original trial judge and original trial jury. In response to concerns expressed by the Governor, Legislature, and others about the prior death-penalty procedure, the Supreme Court adopted a procedure allowing separate juries for guilt-or-innocence and sentencing in the remaining death-penalty cases.

PROCEDURAL HISTORY

The court considered amendments to the Criminal Uniform Jury Instructions for the District Courts in light of the repeal of the death penalty for crimes committed on or after July 1, 2009. The court ordered that the amended and newly adopted instructions apply prospectively to all new and pending cases in New Mexico district courts, effective November 30, 2009.

DISPOSITION

approved

CASES CITED

- Albuquerque Rape Crisis Center v. Blackmer, 2005-NMSC-032, ¶ 5, 138 N.M. 398, 120 P.3d 820
- State v. Fry, 2006-NMSC-001, ¶ 12, 138 N.M. 700, 126 P.3d 516
- State v. Pieri, 2009-NMSC-019, 146 N.M. 155, 207 P.3d 1132

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