

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

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PRACTICE AREAS

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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The New Mexico Legislature repealed the death penalty for crimes committed on or after July 1, 2009, but death remained a sentencing option in a limited number of cases involving earlier crimes.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

OPINION

PER CURIAM.

222 P.3d 673 (2009) 2009-NMSC-053 IN THE MATTER OF DEATH PENALTY SENTENCING JURY INSTRUCTIONS. In the Matter of the Amendments of UJI 14-121 NMRA and Adoption of New UJI 14-121a NMRA of the Rules of Criminal Procedure for the District Courts-Death Penalty Sentencing Jury Instructions. No. 09-8300-043. Supreme Court of New Mexico. November 30, 2009. ORDER WHEREAS, the Legislature repealed the death penalty in New Mexico for all crimes committed on or after July 1, 2009.

See 2009 N.M. Laws, ch. 11, §§ 5-7; WHEREAS, the death penalty remains a sentencing option for a limited number of cases alleging crimes committed before July 1, 2009; WHEREAS, prior to the 2009 death penalty repeal, the Legislature previously established a procedure for sentencing a defendant convicted of a capital felony under the provisions of NMSA 1978, Section 31-20A-1(B) (1979), which provides that a separate sentencing proceeding shall be held to determine whether the defendant shall be sentenced to death or life imprisonment and that "the sentencing proceeding shall be conducted as soon as practicable by the original trial judge before the original trial jury"; WHEREAS, this Court has acknowledged that the Legislature is not precluded from enacting statutes affecting pleading and practice in New Mexico state courts unless such a statute conflicts with an existing court rule, a constitutional provision, or otherwise impairs the essential functions of the Court.

See Albuquerque Rape Crisis Center v. Blackmer, 2005-NMSC-032, ¶ 5, 138 N.M. 398, 120 P.3d 820; WHEREAS, this Court previously deferred to the legislative policy considerations for choosing the sentencing procedure as aforementioned in State v. Fry, 2006-NMSC-001, ¶ 12, 138 N.M. 700, 126 P.3d 516; WHEREAS, since Fry, the Governor signed legislation repealing the death penalty with both branches of government expressing their lack of trust in the procedural system they had previously developed for imposition of the death penalty, which includes the requirement of the original judge and jury conducting the sentencing proceeding; WHEREAS, as the independent judicial branch of government charged with the constitutional responsibility of furthering due process considerations, this Court has the authority to adopt procedural rules; WHEREAS, this Court concludes that our in Fry is not an impediment to revising the procedures for the use of juries in death penalty cases; and WHEREAS, this Court concludes that 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; WHEREAS, this Court, pursuant to its constitutional powers of superintending control, has approved procedural rule amendments effective prospectively or to pending cases and concludes that these amendments shall be effective for all pending cases; and the Court being sufficiently advised, Chief Justice Edward L. Chávez, Justice Patricio M. Serna, Justice Petra Jimenez Maes, Justice Richard C. Bosson, and Justice Charles W.

Daniels concurring; NOW, THEREFORE, IT IS ORDERED that the amendments of UJI 14-121 NMRA of the Criminal Uniform Jury Instructions for the District Courts hereby are APPROVED; IT IS FURTHER ORDERED that new UJI 14-121A NMRA of the Criminal Uniform Jury Instructions for District Courts hereby is ADOPTED; IT IS FURTHER ORDERED that, pursuant to State v. Pieri, 2009-NMSC-019, 146 *674 N.M.

155, 207 P.3d 1132, the amendments to UJI 14-121 NMRA and new UJI 14-121A NMRA of the Criminal Uniform Jury Instructions for the District Courts shall be effective November 30, 2009, for all new and pending cases in New Mexico district courts; and IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendments of UJI 14-121 NMRA and adoption of new UJI 14-121A NMRA by publishing the same in the New Mexico Reports, the Bar Bulletin, and NMRA, and posting the same on the New Mexico Compilation Commission web site.

IT IS SO ORDERED.