

SUPREME COURT OF NEW MEXICO

State v. Villalobos

State v. Villalobos · No. S-1-SC-40535 · Decided May 18, 2026

SUMMARY

The New Mexico Supreme Court holds that Brandon Villalobos was deprived of his constitutional right to a speedy trial after spending nearly six years incarcerated awaiting trial. Applying the Barker v. Wingo factors and the Serros/Stock framework, the Court concludes that defense counsel’s negligent handling of competency proceedings, combined with the State’s failure to monitor and advance the case, resulted in an unconstitutional delay. The Court reverses contrary decisions of the district court and Court of Appeals.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of New Mexico                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Michael E. Vigil, Justice; Julie J. Vargas, Chief Justice; C. Shannon Bacon, Justice; David K. Thomson, Justice; Bryan Biedscheid, Judge, sitting by designation                                                                                        |
| JURISDICTION          | Supreme Court of New Mexico                                                                                                                                                                                                                             |
| DECIDED               | May 18, 2026                                                                                                                                                                                                                                            |
| DOCKET                | S-1-SC-40535                                                                                                                                                                                                                                            |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Original proceeding on certiorari from the New Mexico Court of Appeals. The Supreme Court reviewed the Court of Appeals' nonprecedential memorandum opinion affirming contrary district-court rulings on Defendant's constitutional speedy-trial claim. |
| STANDARD OF REVIEW    | The Court deferred to the district court's factual findings but weighed the Barker speedy-trial factors de novo.                                                                                                                                        |
| PRECEDENTIAL VALUE    | Published precedential opinion of the Supreme Court of New Mexico                                                                                                                                                                                       |
| PARTIES               | Brandon Villalobos, Defendant-Petitioner v. State of New Mexico, Plaintiff-Respondent                                                                                                                                                                   |

TOPICS

- speedy trial
- criminal procedure
- sixth amendment
- appellate procedure
- standard of review

## PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

juvenile justice

## QUESTIONS PRESENTED

1. Whether Villalobos's constitutional right to a speedy trial was violated by the nearly six-year delay between his arrest and second trial.
2. How competency-related delay caused principally by negligent defense counsel should be allocated under the *Barker v. Wingo* analysis when the defendant has an intellectual disability and did not personally cause or acquiesce in the delay.
3. Whether a defendant's intellectual disability reduces the weight assigned to the assertion-of-the-right factor and permits prejudice to be presumed when the first two *Barker* factors weigh heavily in the defendant's favor and the assertion factor weighs in the defendant's favor to any extent.
4. Whether the defendant's youth and intellectual disability must be considered in evaluating prejudice from prolonged pretrial incarceration.

## HOLDINGS

1. Villalobos was deprived of his constitutional right to a speedy trial. The nearly six-year delay was presumptively prejudicial and, after balancing the *Barker* factors, required reversal and dismissal.
2. When extraordinary delay is caused by defense counsel's neglect, the delay is not weighed against the defendant if the defendant did not personally cause or acquiesce in it; where the State also failed to monitor and advance the case, the delay weighs against the State.
3. In a speedy-trial case involving a defendant with an intellectual disability, the assertion-of-the-right factor receives substantially less weight when the disability affects the defendant's ability to understand or assert the right; the defendant need not bear responsibility for counsel-caused delay absent personal acquiescence.
4. When a defendant has an intellectual disability, prejudice from a speedy-trial violation may be presumed when the length and reasons-for-delay factors weigh heavily in the defendant's favor and the assertion-of-the-right factor weighs in the defendant's favor to any extent, even without affirmative proof of particularized prejudice.
5. A defendant's youth and intellectual disability are relevant circumstances that appellate courts must consider when evaluating prejudice from prolonged pretrial incarceration under the *Barker* analysis.

## KEY QUOTATIONS

*“Under the disturbing facts of this case, we hold that Defendant Brandon Villalobos—who has an intellectual disability and was fifteen years of age at the time of the underlying incident, his arrest, and the start of his extended pretrial incarceration—was deprived of his speedy trial rights.”* (¶ 1)

*“We first consider whether [the d]efendant is to blame for the delays in [a particular] case because [they have] personally caused or acquiesced to the delay in [the] case. If not, then we consider whether the [s]tate has met its obligation to bring [the d]efendant’s case to trial.”* (¶ 24)

*“we conclude that prejudice resulting from a speedy trial violation is properly presumed in such cases where the first two Barker factors weigh heavily in favor of the defendant and, in addition, the third, assertion-of-the-right, factor weighs in the defendant’s favor, no matter to what extent.” (¶ 41)*

*“For the foregoing reasons, we reverse the Court of Appeals and the district court and remand the matter to the district court with instructions to vacate Defendant’s convictions and dismiss the indictment.” (¶ 46)*

## FACTUAL BACKGROUND

Brandon Villalobos, who had an intellectual disability and an IQ of sixty-four, was fifteen when he was arrested and charged with first-degree murder and tampering with evidence. He remained incarcerated because his family could not post a \$500,000 cash-only bond, and competency proceedings remained unresolved for approximately three years and three months. Much of that competency-related delay resulted from defense counsel's failure to schedule and properly arrange the evaluation, including misplacing discovery, while the State failed to adequately monitor the case or move it forward. After a mistrial, Villalobos was retried and convicted of second-degree murder and tampering with evidence, receiving an aggregate eighteen-year sentence with nearly seven and a half years of presentence confinement credit.

## PROCEDURAL HISTORY

Villalobos was arrested in 2014 and remained incarcerated for nearly six years before his second trial. His first trial ended in a mistrial; his second trial resulted in convictions for second-degree murder and tampering with evidence. The district court and Court of Appeals rejected his speedy-trial claim. The New Mexico Supreme Court reversed those decisions, ordered the convictions vacated, and directed dismissal of the indictment.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Reverse the Court of Appeals and district court, remand to the district court, vacate Villalobos's convictions, and dismiss the indictment.

## CASES CITED

- State v. Ochoa, 2017-NMSC-031, 406 P.3d 505
- State v. Gurule, 2025-NMSC-010, 563 P.3d 775
- State v. Serros, 2016-NMSC-008, 366 P.3d 1121
- State v. Stock, 2006-NMCA-140, 147 P.3d 885
- State v. Mendoza, 1989-NMSC-032, 108 N.M. 446, 774 P.2d 440
- State v. Garza, 2009-NMSC-038, 146 N.M. 499, 212 P.3d 387
- Work v. State, 1990-NMSC-085, 111 N.M. 145, 803 P.2d 234
- State v. Spearman, 2012-NMSC-023, 283 P.3d 272

- State v. Maddox, 2008-NMSC-062, 145 N.M. 242, 195 P.3d 1254
- State v. Urban, 2004-NMSC-007, 135 N.M. 279, 87 P.3d 1061
- State v. Flores, 2015-NMCA-081, 355 P.3d 81
- United States v. Loud Hawk, 474 U.S. 302, 315-16 (1986)
- State v. Jones, 2010-NMSC-012, 148 N.M. 1, 229 P.3d 474
- In re Adoption of Doe, 1984-NMSC-024, 100 N.M. 764, 676 P.2d 1329
- Elane Photography, LLC v. Willock, 2013-NMSC-040, 309 P.3d 53
- State v. Garcia, 2000-NMCA-014, 128 N.M. 721, 998 P.2d 186
- United States v. Roberts, 515 F.2d 642, 646 (2d Cir. 1975)
- Interest of A.M., 2025 PA Super 171, 343 A.3d 341
- Doggett v. United States, 505 U.S. 647, 655 (1992)
- State v. Samora, 2016-NMSC-031, 387 P.3d 230
- State v. Castro, 2017-NMSC-027, 402 P.3d 688
- State v. Hintze, 2025 UT 3, 567 P.3d 506
- Khalifa v. Cash, 594 F. App'x 339, 342-43 (9th Cir. 2014)
- United States v. Rogers, 781 F. Supp. 1181, 1189-90 (S.D. Miss. 1991)
- State ex rel. Miller v. Craft, 337 So. 2d 1191, 1194-95 (La. 1976)
- Montes v. National Buick GMC Inc., 2023 UT App 47, 530 P.3d 544, rev'd on other grounds, 2024 UT 42, 562 P.3d 688
- State v. Villalobos, A-1-CA-39820, mem. op. (N.M. Ct. App. July 24, 2024)
- State v. Barker, A-1-CA-40495, mem. op. (N.M. Ct. App. Nov. 21, 2023) (Yohalem, J., dissenting)