

SUPREME COURT OF NEW MEXICO

State v. Guthrie

150 N.M. 84 (N.M. 2011) · No. No. 31,567 · Decided April 1, 2011

SUMMARY

The Supreme Court of New Mexico reviewed the due process requirements governing confrontation of witnesses in probation-revocation proceedings. It overruled State v. Phillips, holding that courts should assess the necessity and utility of confrontation in the context of the particular case rather than focus primarily on the reason for a witness's absence. The court reversed the Court of Appeals and remanded, concluding that the record supported revocation of Jaime Guthrie's probation.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Bosson, Justice; Charles W. Daniels, Chief Justice; Patricio M. Serna, Justice; Petra Jimenez Maes, Justice; Edward L. Chavez, Justice
JURISDICTION	New Mexico
DECIDED	April 1, 2011
DOCKET	No. 31,567
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for review of the Court of Appeals' reversal of a district court order revoking Guthrie's probation. The New Mexico Supreme Court granted certiorari to review the revocation and the continued viability of State v. Phillips.
STANDARD OF REVIEW	The court reviewed the purely legal question de novo while deferring to the district court's factual findings.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Mexico
PARTIES	State of New Mexico v. Jaime Guthrie

TOPICS

- probation
- due process
- hearsay
- evidence
- appellate procedure

PRACTICE AREAS

criminal procedure

probation revocation

constitutional due process

evidence and hearsay

appellate procedure

QUESTIONS PRESENTED

1. What standard governs a probationer's due process right to confront adverse witnesses when the State relies on hearsay at a probation revocation hearing?
2. Whether the Court of Appeals improperly required the district court to explain the absent witness's unavailability or expressly find the hearsay evidence reliable before admitting and relying on it.
3. Whether the evidence and circumstances of Guthrie's revocation hearing established sufficient good cause to proceed without live testimony from the absent probation officer.

HOLDINGS

1. The good-cause inquiry under the due process right to confront adverse witnesses in a probation revocation proceeding must focus primarily on the need for and utility of live confrontation to the truth-finding process in the particular case, including the reliability, character, centrality, and contested or uncontested nature of the evidence; it should not be principally focused on why the witness is absent.
2. When the need for confrontation is significant, the witness must appear regardless of the reason for the witness's absence; when the need is not significant because the evidence is sufficiently reliable and confrontation would have little utility, the court need not rely on the reason for the witness's absence to proceed without live testimony.
3. Guthrie's due process rights were not violated by the district court's reliance on hearsay testimony and probation-file materials without live testimony from the probation officer because the alleged failure to complete treatment was objective, routine, corroborated, reliable, and uncontested, and confrontation would have added little to the truth-finding process.
4. *State v. Phillips*, 2006-NMCA-001, is overruled because it improperly emphasized the reason for a witness's absence rather than the necessity and utility of confrontation in the particular probation revocation proceeding.

KEY QUOTATIONS

"At its heart are considerations of pragmatism and fairness and the utility of confrontation in a particular factual context." (914)

"The Good-Cause Spectrum" (915)

"Simply put, the reasons for the witness's absence are, for the most part, irrelevant to the balancing process we set forth." (916-17)

FACTUAL BACKGROUND

Guthrie was placed on supervised probation after pleading guilty to three offenses and agreed to attend a ninety-day residential treatment program. The State later sought revocation based primarily on his failure to complete

that program and other alleged violations. At the revocation hearing, the State presented Guthrie's probation supervisor, Jaime Olivas, instead of the probation officer who prepared the violation report; Olivas lacked personal knowledge and relied on probation-file documents and a fax from the treatment center. Guthrie did not dispute the substance of the evidence or offer mitigation, and the district court found a violation based in part on the fact that Guthrie had been arrested in a county without the required treatment facility during the relevant period.

PROCEDURAL HISTORY

Guthrie pleaded guilty to three offenses and was placed on supervised probation. After a revocation hearing relying in part on hearsay testimony and documents concerning his failure to complete a residential treatment program, the district court found a probation violation and revoked probation. The Court of Appeals reversed on due process and confrontation grounds, and the Supreme Court of New Mexico reversed the Court of Appeals and remanded for any remaining proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for any remaining proceedings in furtherance of its decision to revoke Guthrie's probation.

CASES CITED

- State v. Phillips, 2006-NMCA-001, 138 N.M. 730, 126 P.3d 546
- Morrissey v. Brewer, 408 U.S. 471 (1972)
- Gagnon v. Scarpelli, 411 U.S. 778 (1973)
- State v. Mendoza, 91 N.M. 688, 579 P.2d 1255 (1978)
- Ex parte Lucero, 23 N.M. 433, 168 P. 713 (1917)
- State v. Brusenhan, 78 N.M. 764, 438 P.2d 174 (Ct. App. 1968)
- State v. Vigil, 97 N.M. 749, 643 P.2d 618 (Ct. App. 1982)
- Bailey v. State, 327 Md. 689, 612 A.2d 288 (1992)
- State v. Sanchez, 2001-NMCA-060, 130 N.M. 602, 28 P.3d 1143
- State v. DeBorde, 1996-NMCA-042, 121 N.M. 601, 915 P.2d 906
- State v. Brown, 2006-NMSC-023, 139 N.M. 466, 134 P.3d 753
- In re Estate of Armijo, 2001-NMSC-027, 130 N.M. 714, 31 P.3d 372
- People v. Gomez, 181 Cal. App. 4th 1028, 104 Cal. Rptr. 3d 683 (2010)
- People v. Arreola, 7 Cal. 4th 1144, 31 Cal. Rptr. 2d 631, 875 P.2d 736 (1994)
- State v. Wibbens, 238 Or. App. 737, 243 P.3d 790 (2010)
- United States v. Kelley, 446 F.3d 688 (7th Cir. 2006)

- United States v. Walker, 117 F.3d 417 (9th Cir. 1997)

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