

SUPREME COURT OF NEW MEXICO

State ex rel. Brandenburg v. Sanchez

2014-NMSC-022 (N.M. 2014) · No. 34,453 · Decided June 16, 2014

SUMMARY

The New Mexico Supreme Court held that the 2007 reorganization of the criminal sexual penetration statute did not repeal or eliminate the mandatory life-sentence enhancement for a second conviction of criminal sexual penetration in the second degree. The Court construed the relevant statutes harmoniously, concluding that the statutory reference to the renumbered subsection was a clerical anomaly rather than an intended repeal.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Richard C. Bosson; Edward L. Chávez; Charles W. Daniels
JURISDICTION	New Mexico
DECIDED	June 16, 2014
DOCKET	34,453
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding in which the State sought extraordinary relief from the district court's refusal to impose a mandatory life sentence under New Mexico's violent-sexual-offense sentencing statute.
STANDARD OF REVIEW	Questions of statutory construction are reviewed de novo.
PRECEDENTIAL VALUE	published and precedential New Mexico Supreme Court opinion
PARTIES	State of New Mexico, ex rel. Kari Brandenburg, Second Judicial District Attorney v. Hon. Ross Sanchez, Anthony Samora, real party in interest

TOPICS

- statutory interpretation
- legislative intent
- absurdity doctrine
- sentencing
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal sentencing
- statutory interpretation
- extraordinary writs

QUESTIONS PRESENTED

1. Whether the 2007 reorganization of NMSA 1978, Section 30-9-11, which moved the definition of second-degree criminal sexual penetration from Subsection D to Subsection E, eliminated the authority to impose the mandatory life sentence for a second conviction of second-degree criminal sexual penetration under Section 31-18-25.
2. Whether Sections 31-18-25 and 30-9-11 should be construed harmoniously to give effect to the Legislature's intent despite the incorrect subsection reference in Section 31-18-25(F)(2).

HOLDINGS

1. The 2007 reorganization and subsequent amendment of Section 30-9-11 did not effectively repeal Section 31-18-25(F)(2). A second conviction for second-degree criminal sexual penetration remains a violent sexual offense eligible for the mandatory life sentence under Section 31-18-25(A).

KEY QUOTATIONS

“It would be absurd to read second-degree CSP out of the definition of “violent sexual offense” in Section 31-18-25(F) where its plain language demands that second-degree CSP be included.” (¶ 10)

““Repeals by implication are not favored.”” (¶ 17)

“The 2009 amendment of Section 30-9-11 did not effectively repeal Section 31-18-25(F)(2), and therefore it did not repeal a district court’s authority to impose the mandatory life sentence for a second conviction of a violent sexual offense under Section 31-18-25(A).” (¶ 18)

FACTUAL BACKGROUND

In 2004, Anthony Samora pleaded guilty to second-degree criminal sexual penetration for raping a fourteen-year-old boy and served three years in prison. Nearly ten years later, a jury convicted him of second-degree criminal sexual penetration, in the commission of another felony, for raping a fifteen-year-old boy. The State sought the mandatory life sentence applicable to a second violent sexual offense, but the district court concluded that the statutory enhancement did not apply.

PROCEDURAL HISTORY

Anthony Samora was convicted of second-degree criminal sexual penetration after previously pleading guilty to the same degree of offense. The district court ruled that the mandatory life-sentence enhancement under NMSA 1978, Section 31-18-25 did not apply because a 2007 reorganization had moved the second-degree CSP definition from Subsection D to Subsection E of Section 30-9-11. Before sentencing, the State sought an extraordinary writ, and the Supreme Court granted a peremptory writ of superintending control on December 18, 2013; this opinion explained that ruling.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The district court was directed to determine whether to impose the mandatory life sentence on Samora under Section 31-18-25 after the Supreme Court held that the enhancement remained legally available.

CASES CITED

- State v. Smith, 2004-NMSC-032, ¶¶ 8, 10, 13, 19, 21-22, 136 N.M. 372, 98 P.3d 1022
- Baker v. Hedstrom, 2013-NMSC-043, ¶ 11, 309 P.3d 1047
- State ex rel. Helman v. Gallegos, 1994-NMSC-023, ¶ 23, 117 N.M. 346, 871 P.2d 1352
- State v. Chavarria, 2009-NMSC-020, ¶ 12, 146 N.M. 251, 208 P.3d 896
- State v. Sparks, 1985-NMCA-004, ¶ 49, 102 N.M. 317, 694 P.2d 1382
- State v. Herrera, 1974-NMSC-037, ¶ 6, 86 N.M. 224, 522 P.2d 76

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