

NEW MEXICO SUPREME COURT

State v. Stephen F., 140 N.M. 24

139 P.3d 1137 (2006) · Decided June 28, 2006

SUMMARY

The New Mexico Supreme Court held that the 45-day time limit in Children’s Court Rule 10-229(C) applies to diagnostic commitments preceding disposition of a youthful offender. It rejected dismissal as the remedy for violating that limit, concluding that the proper remedy is release from custody until the dispositional hearing can commence. The court affirmed in part, reversed in part, and remanded for consideration of remaining issues.

CASE DETAILS

COURT	New Mexico Supreme Court
WRITING FOR THE COURT	Bosson, Chief Justice; Pamela B. Minzner; Patricio M. Serna; Petra Jimenez Maes; Edward L. Chávez
JURISDICTION	New Mexico
DECIDED	June 28, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The New Mexico Supreme Court granted certiorari to review the Court of Appeals' reversal of a youthful offender's convictions and dismissal of the proceedings based on failure to commence a dispositional hearing within the applicable time limit.
STANDARD OF REVIEW	Interpretations of procedural rules adopted by the New Mexico Supreme Court are reviewed de novo.
PRECEDENTIAL VALUE	Published New Mexico Supreme Court opinion
PARTIES	State of New Mexico v. Stephen F.

TOPICS

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QUESTIONS PRESENTED

1. Whether the 45-day time limit in Children's Court Rule 10-229(C), rather than the 90-day limit in Rule 5-701(B) of the Rules of Criminal Procedure for the District Courts, applies to a diagnostic commitment preceding disposition of a youthful offender.
2. Whether failure to recommence the dispositional proceeding within the Rule 10-229(C) time limit requires dismissal of the charges or vacatur of the convictions.
3. Whether the Supreme Court needed to decide the broader interpretation of Rule 10-101(A)(2)(b) concerning which proceedings involving different categories of youthful offenders are governed by the district-court rules.

HOLDINGS

1. Children's Court Rule 10-229(C)'s 45-day time limit for recommencing dispositional proceedings after a diagnostic commitment applies to youthful offenders.
2. Failure to recommence a youthful offender's dispositional proceeding within Rule 10-229(C)'s 45-day period requires release from detention, not dismissal of the charges, vacatur of the verdict, or disturbance of the judgment.

KEY QUOTATIONS

“Accordingly, the Children’s Court Rules do “specifically provide,” within the meaning of Rule 10-101(A), for diagnostic commitments, including their own shortened time limits for recommencement of dispositional proceedings, to the exclusion of the Rules of Criminal Procedure for the District Courts.” (¶ 10)

“This rule plainly states that dismissal of charges or vacating a judgment is not warranted when the children’s court “fail[s] to comply with time limits.”” (¶ 16)

“The purpose of the time limits in Rule 10-229, therefore, is to protect a child in detention, so that the child does not remain there indefinitely while reports and other evidence relevant to a disposition are compiled.” (¶ 18)

FACTUAL BACKGROUND

Stephen F. was fifteen when he was convicted of two counts of criminal sexual penetration and adjudicated a youthful offender. Because a youthful offender may be sentenced as either an adult or a juvenile depending on amenability to treatment, the children's court ordered a diagnostic commitment for up to 45 days. More than two months later, the court had not recommenced the dispositional hearing, prompting Stephen to seek dismissal.

PROCEDURAL HISTORY

Stephen F. was convicted by a jury as a youthful offender of two counts of criminal sexual penetration. The children's court ordered a diagnostic evaluation but did not recommence the dispositional proceeding within the applicable 45-day period. The children's court denied Stephen's motion to dismiss, applying the 90-day district-court criminal-procedure deadline. The Court of Appeals held that the Children's Court Rules applied and

ordered dismissal; the Supreme Court affirmed the applicable 45-day rule, reversed the dismissal remedy, and remanded to the Court of Appeals for consideration of remaining issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Supreme Court affirmed the Court of Appeals' conclusion that Rule 10-229(C)'s 45-day limit applies, reversed its conclusion that dismissal was the proper remedy, and remanded to the Court of Appeals to resolve the remaining issues raised by Stephen F.

CASES CITED

- State v. Stephen F., 2005-NMCA-048, ¶¶ 2, 5, 14-23, 35, 137 N.M. 409, 112 P.3d 270
- State v. Javier M., 2001-NMSC-030, ¶ 37, 131 N.M. 1, 33 P.3d 1
- Walker v. Walton, 2003-NMSC-014, ¶¶ 8, 11, 133 N.M. 766, 70 P.3d 756
- State v. Doe, 93 N.M. 31, 33-34, 595 P.2d 1221, 1223-24 (Ct. App. 1979)
- State v. Doe, 94 N.M. 282, 284, 609 P.2d 729, 731 (Ct. App. 1980)
- State v. Muniz, 2003-NMSC-021, ¶ 6, 134 N.M. 152, 74 P.3d 86
- State v. Gonzales, 2001-NMCA-025, ¶ 18, 130 N.M. 341, 24 P.3d 776
- State v. Rivera, 2004-NMSC-001, ¶ 13, 134 N.M. 768, 82 P.3d 939