

SUPREME COURT OF NEW MEXICO

State v. Evans, 146 N.M. 319

210 P.3d 216 (2009) · No. Nos. 30,443, 30,454 · Decided May 27, 2009

SUMMARY

The Supreme Court of New Mexico consolidated interlocutory appeals concerning the suppression of a murder defendant's confession and physical evidence obtained through a search warrant. The court held that the warrant affidavit established probable cause to search the defendant's mother's house and that the confession was voluntary despite the interrogation tactics described. The court affirmed the denial of suppression of the confession, reversed suppression of the physical evidence, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Bosson, Justice; Edward L. Chávez, Chief Justice; Patricio M. Serna, Justice; Petra Jimenez Maes, Justice; Charles W. Daniels, Justice
JURISDICTION	New Mexico
DECIDED	May 27, 2009
DOCKET	Nos. 30,443, 30,454
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated interlocutory appeals from the district court's rulings on a motion to suppress. Evans appealed the denial of suppression of his confession; the State appealed suppression of physical evidence obtained under a search warrant.
STANDARD OF REVIEW	The court reviewed the voluntariness of confessions de novo while deferring to supported district-court factual findings. For the search-warrant issue, the court focused on the issuing magistrate's probable-cause determination rather than the district court's contrary conclusion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Joseph Evans, State of New Mexico v. State of New Mexico, Joseph Evans

TOPICS

search and seizure

probable cause

warrant requirement

suppression of evidence

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

search and seizure

confessions and interrogations

appellate procedure

QUESTIONS PRESENTED

1. Whether the search-warrant affidavit established probable cause to believe that evidence of Penaloza's murder would be found at the particular house and basement bedroom searched.
2. Whether Evans's post-Miranda confession was involuntary because of alleged police threats, deception, his alleged methamphetamine use and lack of sleep, his incarceration, or inaccuracies in his account.
3. Whether the September 19 confession was tainted by the September 18 confession.

HOLDINGS

1. The affidavit established probable cause both to believe that Evans was involved in the victim's death and to believe that evidence of the crime would be found at the specified house and basement bedroom. Probable cause to believe a suspect committed a crime does not automatically establish probable cause to search the suspect's residence; the affidavit must provide a case-specific nexus to the particular place searched.
2. The confession was voluntary and was not rendered inadmissible by the interrogator's vague threats, exaggerated statements about potential consequences, deception, Evans's incarceration, or his alleged impaired mental state.

KEY QUOTATIONS

“Probable cause to believe a defendant has committed a crime, and particularly the crime of murder, will often exist simultaneously with probable cause to believe there is evidence in the accused's home. But probable cause does not follow ineluctably from an allegation of murder or any other crime.” (146 N.M. at 322)

“Police must give the issuing magistrate probable cause to believe that evidence will be at the particular location in question, whether it is a suspect's home or not.” (146 N.M. at 323)

“The critical difference in the case law between impermissibly coercive threats and threats which do not cross the line is in how credible and immediate the accused perceives the threat to be.” (146 N.M. at 325)

“There is certainly a point at which police threats, promises, or deception, would cross the line into coercion, but that line has not been crossed here.” (146 N.M. at 326)

FACTUAL BACKGROUND

Police investigating the asphyxial death of sixteen-year-old Felicia Penaloza received statements implicating Evans and observed electrical wiring, bedding, and mattresses in the basement bedroom Evans apparently used

at his mother's house. A magistrate issued a warrant to search the house, and police found physical evidence including a piece of electrical cord allegedly matching the cord associated with the victim. The next day, after Evans had been detained for thirteen days on unrelated charges, police interrogated him for approximately ninety minutes, during which he made statements acknowledging culpability after initially denying involvement.

PROCEDURAL HISTORY

Evans was charged by criminal information with murder, kidnapping, and tampering with evidence and waived a preliminary hearing. The district court declined to suppress his confession but suppressed physical evidence seized from his mother's house after concluding that the search warrant lacked probable cause. Both parties brought interlocutory appeals, which the Supreme Court of New Mexico consolidated pursuant to its jurisdiction over criminal interlocutory appeals involving a possible life or death sentence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for further proceedings consistent with the opinion. The district court's suppression of the physical evidence was reversed, while its refusal to suppress Evans's confession was affirmed.

CASES CITED

- State v. Smallwood, 2007-NMSC-005, ¶ 11, 141 N.M. 178, 152 P.3d 821
- Katz v. United States, 389 U.S. 347, 357 (1967)
- State v. Gonzales, 2003-NMCA-008, ¶¶ 11-14, 133 N.M. 158, 61 P.3d 867
- State v. Herrera, 102 N.M. 254, 257, 694 P.2d 510, 513 (1985)
- State v. Baca, 97 N.M. 379, 379-80, 640 P.2d 485, 485-86 (1982)
- State v. Nyce, 2006-NMSC-026, ¶ 10, 139 N.M. 647, 137 P.3d 587
- State v. Hernandez, 111 N.M. 226, 229, 804 P.2d 417, 420 (Ct. App. 1990)
- State v. Ferrari, 80 N.M. 714, 717-18, 460 P.2d 244, 247-48 (1969)
- United States v. Waxman, 572 F. Supp. 1136, 1146 (E.D. Pa. 1983)
- State v. Dillon, 419 So. 2d 46, 51 (La. Ct. App. 1982)
- Commonwealth v. Cinelli, 389 Mass. 197, 449 N.E.2d 1207, 1216 (1983)
- United States v. Charest, 602 F.2d 1015, 1017 (1st Cir. 1979)
- State v. Attaway, 117 N.M. 141, 145, 870 P.2d 103, 107 (1994)
- State v. Munoz, 1998-NMSC-048, ¶¶ 20-21, 126 N.M. 535, 972 P.2d 847
- Culombe v. Connecticut, 367 U.S. 568, 602-04, 620 (1961)
- Colorado v. Connelly, 479 U.S. 157, 165 (1986)
- State v. Barr, 2009-NMSC-024, ¶ 25, 210 P.3d 198, 202 (2009)

- State v. Fekete, 120 N.M. 290, 298-99, 901 P.2d 708, 716-17 (1995)
- State v. Tindle, 104 N.M. 195, 197-200, 718 P.2d 705, 707-10 (Ct. App. 1986)
- State v. Lobato, 2006-NMCA-051, ¶¶ 13, 16-21, 139 N.M. 431, 134 P.3d 122
- State v. Munoz, 111 N.M. 118, 121, 802 P.2d 23, 26 (Ct. App. 1990)
- Arizona v. Fulminante, 499 U.S. 279, 286-87 (1991)
- United States v. Munoz, 150 F. Supp. 2d 1125, 1135 (D. Kan. 2001)
- State v. Cooper, 1997-NMSC-058, ¶¶ 26-27, 124 N.M. 277, 949 P.2d 660
- Payne v. Arkansas, 356 U.S. 560, 567 (1958)
- Aguirre v. State, 91 N.M. 672, 674, 579 P.2d 798, 800 (Ct. App. 1978)
- Frazier v. Cupp, 394 U.S. 731, 737, 739 (1969)

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