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FOR IMMEDIATE RELEASE

Dec. 13, 2018

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State Supreme Court affirms Albuquerque man's convictions in fatal shooting of 8-year-old girl

SANTA FE – The state Supreme Court today upheld the convictions of an Albuquerque man in the shooting death of an 8-year-old girl during an altercation between two groups of men in 2013.

In a unanimous ruling, the state's highest court concluded there was sufficient evidence to support David Candelaria's convictions of first-degree depraved mind murder and aggravated assault. He was sentenced to life in prison plus nine years. Candelaria did not appeal his conviction of shooting at or from a motor vehicle.

The victim, Sunni Reza, was a passenger in a car with several men, including her father, who had left an Albuquerque community center. The driver encountered a group of men, including Candelaria, who were walking and with whom he had an earlier confrontation after not giving them a ride.

Candelaria admitted to firing two shoots in the air and two at the vehicle. One bullet struck and killed the girl.

Under New Mexico law, depraved mind murder is the killing of a person "by any act greatly dangerous to the lives of others, indicating a depraved mind regardless of human life."

In today's ruling, the justices addressed the distinction between depraved mind murder and second-degree murder "in an effort to assist parties and lower courts in the future."

The Court outlined the legal factors necessary to show whether a defendant acted with a depraved mind. Those include that the defendant's action was "outrageously reckless," showed an "intensified malice or evil intent" and that more than one person was endangered.

Second-degree murder, in contrast, requires that defendants know their actions "create a strong probability of death or great bodily harm" to another person.

Depraved mind murder is punishable by life in prison while second-degree murder carries a basic sentence of 15 years in prison.

Among the issues raised in the appeal, Candelaria contended the trial court judge should have explained to the jury that defendants can legally respond to certain threats by standing their ground and using deadly force rather than safely retreating. The Court disagreed that a "stand-your-ground" jury instruction was necessary. Prosecutors had presented evidence that no shots were fired at Candelaria's group and no person in the vehicle had a weapon, the Court noted.

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To read the decision in *State v. Candelaria*, No. S-1-SC-35887 slip op. (N.M. S. Ct. December 13, 2018), please visit the New Mexico Compilation Commission's website using the following link:

http://www.nmcompcomm.us/nmcases/nmsc/slips/SC35,887.pdf