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Supreme Court reinstates convictions of Albuquerque man for child sexual abuse

SANTA FE – The New Mexico Supreme Court today reinstated convictions of an Albuquerque man for molesting his stepdaughter over several years beginning when the girl was in grade school.

In a unanimous opinion, the Court reversed a Bernalillo County judge's decision to vacate most of Jesse Lawrence Lente's convictions because they violated constitutional protections against punishing someone multiple times for the same crime. Lente was convicted in 2002 of 26 counts of sexual crimes against a child. Five of those convictions were left in place by the district court judge's ruling in 2017. Several convictions for non-sex crimes, including bribery of a witness, also remained.

The Supreme Court concluded there was no double jeopardy violation because the vacated convictions represented separate criminal acts and the stepdaughter's testimony at trial provided enough specificity to support Lente's convictions of multiple sex crimes.

In an opinion written by Chief Justice Judith K. Nakamura, the Court said the case against Lente "does not include 'carbon copy' counts, i.e., identically worded charges that are in no way differentiated from one another."

Lente was sentenced to 236 years in prison. After exhausting his state court appeals, he filed a post-conviction habeas corpus petition that led to the district court's decision vacating most of his convictions. Prosecutors appealed that decision.

The case raised legal issues about evidence in "resident child molester" cases. Lente began abusing his stepdaughter when she was seven or eight years old and continued until she was 11 or 12 years old. She testified that the abuse occurred two to three times a week.

“These cases generally involve defendants who have regular access to and control over children whom they sexually abuse in secrecy over long periods of time,” the Supreme Court said. “The child victims in these cases are usually the sole witnesses of the crimes perpetrated and, because of their age and the frequency of the sexual abuse to which they are subjected, cannot provide detailed accounts of the abuse but only generalized accounts of frequent sexual contact with the defendant.”

The district court determined that the stepdaughter’s testimony “was too generic and insufficient to support Lente’s multiple convictions,” the Supreme Court said. “Her testimony, the district court concluded, could support only one conviction for each type of sex-abuse crime Lente perpetrated, and therefore, Lente’s multiple convictions violated double jeopardy.”

The Supreme Court disagreed, and in its written opinion clarified “the principles courts must utilize when evaluating the sufficiency of the evidence presented in resident child molester cases.”

In Lente’s case, the Court concluded that the stepdaughter’s testimony described the criminal acts with “sufficient specificity” for the jury to differentiate between the various sex offenses and to support each of the convictions.

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To read the decision in *State v. Lente*, No. S-1-SC-36537, please visit the New Mexico Compilation Commission's website using the following link:

https://decisia.lexum.com/nmos/nmsc/en/item/423738/index.do