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Supreme Court rules juveniles cannot waive right to appeal a decision to sentence them as adults

SANTA FE – The state Supreme Court ruled today that juveniles can challenge a judge's decision to sentence them as adults for certain felonies even if a plea agreement waives their appeal rights.

In a unanimous opinion, the Court concluded that Christopher Rodriguez could appeal a district judge's finding that he was not amenable to treatment as a juvenile and instead would be sentenced to prison as an adult.

"We will not declare an amenability determination – a determination that implicates the interests of the child, the child's family, and society as a whole – nothing more than an empty shell along the path to imposing an adult sentence on a juvenile," the Court wrote in an opinion by Justice Michael E. Vigil.

Under New Mexico law, juveniles found guilty of certain felonies are considered "youthful offenders" if they are between 14 and 18 years old at the time of the offense. Courts must conduct an "amenability" hearing to determine whether they may be responsive to treatment and rehabilitation in the juvenile justice system or should be sentenced as an adult. In making an amenability determination, the law requires judges to consider a range of factors, including individual circumstances about the child, the likelihood of rehabilitation and the prospects for adequately protecting the public.

Rodriguez pleaded guilty to several felonies committed when he was 16 years old. These included aggravated burglary with a deadly weapon, which made Rodriguez a "youthful offender" under the law's definition. After a hearing, the judge determined Rodriguez was not amenable to treatment as a juvenile and sentenced him as an adult to 31½ years in prison with 17½ years suspended.

Rodriguez challenged the judge's finding that he was not amenable to treatment in the juvenile justice system, but the state Court of Appeals determined that he had waived the right to appeal under terms of his plea agreement. The Supreme Court disagreed, reversing the Court of

Appeals. The justices ordered the case back to the Court of Appeals for consideration of the issues raised by Rodriguez's appeal.

An "amenability determination" establishes a court's authority – its jurisdiction – to impose an adult sentence, the justices reasoned, and a prior Supreme Court decision held that a juvenile could not waive the statutory right to an amenability hearing.

Allowing juveniles to waive their right to appeal a determination of whether they are amenable to treatment "would reduce the amenability hearing to nothing more than window dressing," the Court wrote, and return New Mexico to a system replaced three decades ago with relaxed requirements for sentencing juveniles as adults.

"Without a finding of nonamenability, the court lacks the authority to sentence a juvenile defendant as an adult. As such, a challenge to an amenability determination presents a jurisdictional argument that may be raised on appeal notwithstanding the entry of a valid guilty plea and appellate waiver," the Court concluded.

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To read the decision in *State v. Rodriguez*, No. S-1-SC-38130, please visit the New Mexico Compilation Commission's website using the following link:

https://nmonesource.com/nmos/nmsc/en/item/521623/index.do