Administrative Office of the Courts

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Supreme Court to resume civics education program by hearing a case in Española

SANTA FE – The state Supreme Court will hear legal arguments in a criminal case appeal next month in Española as part of a civics education program for students.

This marks the third year for the Court's Rule of Law Program. The justices traveled to Las Cruces last year for an oral argument.

The program allows students to attend in person or virtually watch as attorneys explain their positions on the legal issues in a case and justices question the attorneys to clarify matters. While the Court deliberates in private after the hearing, attorneys for the defense and the prosecution will remain to answer questions from students.

"Watching a court proceeding helps students understand the role and purpose of the judiciary and the rule of law — the principle that no person or institution is above the law and they are treated equally and fairly under those laws," said Justice David K. Thomson, who helped organize the educational program.

When the Court convenes in Española, it will consider a case raising questions about state and federal constitutional protections against unreasonable searches and seizures by the government. The case can illuminate for students the judiciary's role in interpreting federal and state constitutions, and help explain how the New Mexico Constitution can sometimes offer greater protections than its federal counterpart.

The Court will hold its oral argument on April 3 at 1 p.m. at the Nick Salazar Center for the Arts on the campus of Northern New Mexico College. Schools in and around the Española Valley will be offered priority seating at the oral argument.

Justice Thomson is available to visit schools or student groups to discuss the judicial process and rule of law if they are unable to attend the oral argument in person. The Supreme Court Law Library prepared a lesson plan and summary of case materials that Justice Thomson provides to schools in advance of a visit. Schools interested in attending the oral argument or having Justice

Thomson speak to their students should send a request to Tamara Mitchell, suptdm@nmcourts.gov, or call 505-827-4932.

The justices will hear arguments in a case in which a Farmington man, Eric King, contends that police unlawfully towed and impounded his vehicle – later searching it – after a traffic stop in 2019 for an outstanding arrest warrant.

A central legal question in the case is whether the constitution allows law enforcement in New Mexico to seize a person's vehicle after an arrest without "exigent circumstances" — something so urgent that it requires immediate action and creates an exception to the general requirement to obtain a warrant.

In his appeal, King contends that the decision by police to tow and impound his vehicle – seizing it – was a pretext to search it after he had denied an officer permission.

King had pulled over his truck and legally parked it in a parking lot before police ordered him out of the vehicle and arrested him. Two days after the truck was impounded, a drug-sniffing dog alerted police to possible illegal drugs in the vehicle and a search warrant was obtained. Police found methamphetamine, heroin and marijuana in the truck.

King appealed a district court's decision to allow prosecutors to use evidence of the drugs found during the search of his truck. The state Court of Appeals affirmed the lower court's decision and King took his legal challenge to the Supreme Court. He is asking the justices to reverse his conviction on a felony drug trafficking charge and rule that police unlawfully seized and impounded his vehicle.

The attorney general's office, on behalf of the state of New Mexico, argues that the state constitution does not require "exigent circumstances" to lawfully impound and inventory a vehicle without a warrant.

The case is *State v. King,* S-1-SC-39163.

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Members of the state Supreme Court speak to students at Organ Mountain High School in Las Cruces in 2022 as part of the Rule of Law Program. Standing at left is Justice David K. Thomson and seated from right to left are then Chief Justice Michael E. Vigil and Justices C. Shannon Bacon and Julie J. Vargas.