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Contact: Barry Massey, public information officer
bmassey@nmcourts.gov
505-470-3436

Supreme Court upholds life imprisonment for Nehemiah Griego

SANTA FE – The state Supreme Court today affirmed the prison sentence of Nehemiah Griego for fatally shooting his parents and three younger siblings at the family's Albuquerque home in 2013 when he was 15 years old.

Griego was sentenced to three concurrent life sentences – with the possibility of parole after serving 30 years –for convictions of intentional child abuse resulting in death and two concurrent seven-year sentences for second-degree murder for killing his parents. A district court judge found Griego not amendable to treatment as a juvenile and in 2019 sentenced him as an adult to the state prison system.

In a dispositional order, the Court rejected arguments by Griego that his sentence was unconstitutional cruel and unusual punishment because it denied him an opportunity for treatment and rehabilitation.

According to the Court's order, Griego "merely surmises his treatment will be inadequate" in prison and he "failed to establish that he does not have a 'meaningful opportunity for release' after serving" his sentence. Griego, who is now 25, will be eligible for parole when he is 52.

In his appeal, Griego also argued that his convictions should be overturned because his trial attorney provided ineffective legal assistance.

According to the Court's order, Griego's claims "are more properly brought in a habeas corpus proceeding." That is a post-conviction proceeding, after all appeals have been decided, in which an inmate petitions a district court for relief for alleged violations of constitutional rights.

Today's order noted that habeas corpus proceedings are "the preferred avenue" for resolving ineffective assistance of counsel claims because a district court can consider additional evidence. Appellate courts decide direct appeals, such as Griego's challenge to his sentence, based on a review of the record of trial court proceedings.

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Click here to read the dispositional order in *State v. Nehemiah Griego*, No. S-1-SC-38209.