Administrative Office of the Courts

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Supreme Court upholds convictions of Albuquerque man for 2016 murder

SANTA FE – The state Supreme Court today affirmed the convictions of an Albuquerque man for murdering his wife's ex-husband in 2016.

Terry White was sentenced to life in prison plus 12 years for first-degree murder, aggravated burglary with a deadly weapon and evidence tampering. The victim, Don Fluitt, was beaten and stabbed to death after returning home from dropping off his daughter in a custody exchange with his ex-wife.

The Court unanimously concluded there was sufficient evidence to support White's convictions. The justices also found that the trial court properly allowed testimony from a law enforcement officer that White was attempting to commit suicide when he was found and arrested at a truck stop in Arizona.

White's jail cellmate testified at the trial that White had shared details about the murder, including that he killed his wife's ex-husband because of a child custody dispute.

"At trial, both direct and circumstantial evidence was presented to support Defendant's first-degree murder conviction," the Court stated in an opinion written by Justice C. Shannon Bacon. "Although Defendant claimed to have had no contact with Victim for over a month, his DNA was found under Victim's fingernails. Defendant also provided explicit details to Informant about how he completed the murder. This detail was corroborated through investigations conducted by police. This detail also was corroborated through video evidence."

Additionally, the Court wrote, there was evidence that White and the victim "had a complicated history," that White's wife could lose more custody of her daughter at an upcoming court hearing and White had attempted suicide after a warrant was issued for his arrest.

“In considering this overwhelming evidence, a jury could have reasonably concluded that Defendant was the one who killed Victim,” the Court reasoned in affirming the murder conviction.

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To read the decision in *State v. White*, No. S-1-SC-37249, please visit the New Mexico Compilation Commission's website by clicking the link.