Administrative Office of the Courts

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Supreme Court affirms conviction of Carlsbad man for daughter's death

SANTA FE – The state Supreme Court today upheld the intentional child abuse conviction of a Carlsbad man for the death of his 8-year-old daughter, whose body he dumped in a trash can.

In a unanimous decision, the Court rejected arguments by Juan Lerma that he failed to receive a fair trial. He contended that jury instructions were improper and that his attorney was unduly restricted in cross-examining a key witness. He also alleged misconduct by the prosecution.

Lerma was sentenced to life in prison for intentional child abuse resulting in the death of a child under 12 years old, which is a first-degree felony. He was sentenced to an additional three years for a conviction of tampering with evidence, but did not challenge that in the appeal before the Supreme Court. Under New Mexico law, life imprisonment requires serving at least 30 years in prison before becoming eligible for parole.

A forensic pathologist concluded that the daughter, S.R., died of blunt force trauma to the head. She and her older brother, M.L., lived with their paternal grandmother, but spent the night at her father's house when she died in August 2020. Lerma told his mother the next day that the girl had died and that he had placed her body in trash bags.

The son testified at Lerma's trial that his father beat him and his sister several times a week. The day before her body was found by police, the boy testified, his sister was kicked by the father and she fell to the ground making an unusual rasping noise. The father put a comforter over her, kicked her again and the noises stopped.

Lerma told the jury he had spanked his daughter with a strap for misbehaving, she had a seizure on the floor after he struck her a second time, and that he placed a blanket on her after rolling her on her side. He testified that he later laid the girl on the couch to sleep and found her dead the next day.

The Court concluded there was nothing erroneous about the instructions to the jury explaining the law and what must be proven for a conviction.

“A reasonable juror would not have been confused or misdirected as the jury was instructed on an accurate statement of the law,” the Court wrote in a nonprecedential decision by Chief Justice David K. Thomson.

Lerma contended there were multiple instances of prosecutorial misconduct, including a statement regarding the son’s testimony in which the prosecutor told the jury the boy was trying to be the “voice for all children in Eddy County” as well as that of his sister. The defense claimed the prosecutor was improperly appealing to the jury’s emotions

“This kind of pandering to the jury to decide the case on other than the particular guilt or innocence of the defendant is unprofessional, but it is not grounds for reversal,” the Court wrote. The justices explained that the statement was “isolated in the context of the trial, and the jury was instructed to not to issue its verdict on the basis of sympathy or prejudice.”

Lerma also argued that the trial court unduly restricted his attorney’s questioning of his mother and the son, but the justices disagreed and concluded there was no violation of the defendant’s constitutional right to confront the witnesses against him.

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To read the decision in *State v. Lerma*, No. S-1-SC-39571, please visit the New Mexico Compilation Commission's website using the following link:

https://nmonesource.com/nmos/nmsc/en/item/522499/index.do