



Administrative Office of the Courts

FOR IMMEDIATE RELEASE

July 25, 2024

Supreme Court resolves dispute over good time credits for DWI homicide convictions

SANTA FE – The state Supreme Court ruled today that a state law enacted in 2016 allows inmates convicted of homicide by vehicle while under the influence to earn good time credits that may reduce by up to half the time they remain in prison.

In a unanimous opinion, New Mexico’s highest court overturned a trial court decision that reclassified DWI homicide from a nonviolent offense into a serious violent offense under the Earned Meritorious Deduction Act (EMDA). The justices determined that the district court in Bernalillo County had wrongly applied the legal doctrine of absurdity, which allows courts to change the plain meaning of a statute to avoid an absurd and unjust result.

“We conclude that the classification made by the Legislature in the EMDA is not absurd and that the district court erred,” the Court wrote in an opinion by Justice Michael E. Vigil. “In arriving at this conclusion we defer to the separation of powers doctrine. It is solely within the prerogative of the Legislature to classify DWI homicide as a serious violent offense through the legislative process.”

Under the EMDA, a person convicted of a nonviolent offense is eligible for up to 30 days credit against their sentence for every 30 days of good behavior while in prison. Good time credits are limited to 4 days a month for inmates incarcerated for a serious violent offense, which makes an offender eligible for release after serving 85 percent of the prison sentence imposed by a court.

Before 2016, vehicular homicide – whether committed by DWI or reckless driving – was a third-degree felony punishable by a six-year prison sentence. The Legislature changed the law in 2016 to make DWI homicide a second-degree felony, which increased the basic sentence from six years to 15 years. Lawmakers did not amend the EMDA. That left third-degree reckless driving homicide as a discretionary serious violent offense, which allows a sentencing court to decide if a defendant should be subject to the four-days-a-month good time limit because of the nature of the crime and its resulting harm.

Under the 2016 changes made by the Legislature, however, second-degree DWI homicide is not among the more than two dozen crimes designated in the EMDA as a serious violent offense or a discretionary serious violent offense. As a result, it becomes a nonviolent offense under the law and inmates may reduce their prison terms by up to one-half through good behavior credits administered by the Department of Corrections.

A Bernalillo County woman, Julianna Montaña, appealed the trial court’s decision to sentence her for a serious violent offense under the EMDA after she pleaded guilty to DWI homicide for the death of another driver in a rollover crash in 2017. The trial court concluded it was a legislative oversight not to designate DWI homicide as a discretionary serious violent offense in the EMDA and that omission resulted in an absurdity for good time eligibility because second-degree DWI homicide is a more serious offense than third-degree reckless driving homicide.

After the state Court of Appeals reversed the trial court’s ruling, prosecutors asked the Supreme Court to resolve the good time dispute.

The justices agreed with the Court of Appeals and determined the Legislature “enacted a reasonable policy preference” in elevating DWI homicide to a second-degree felony without changing the EMDA. The Legislature created good time credits, the Court explained, “to encourage prisoners to participate in authorized prison programs for their rehabilitation.”

Inmates convicted of DWI homicide may reduce their time in prison to 7½ years from 15 years by participating in rehabilitative programs and receiving the maximum amount of good time from the department. A 7½-year sentence remains a longer prison term than for inmates convicted of reckless driving homicide, however.

“This is consistent with the 2016 amendment to the statute that made DWI homicide a more serious offense (a second-degree felony) than reckless driving homicide (a third-degree felony),” the Court wrote.

In today’s opinion, the justices clarified the process for New Mexico courts to follow when analyzing a statute under the absurdity doctrine. The Court declared that “we will reject the literal application of a statute as absurd when the result is an outcome that contradicts the values of rationality, reasonableness, and common sense.”

“In this regard, we emphasize that because the separation of powers doctrine otherwise counsels against ignoring terms in a statute duly adopted by the Legislature, courts must only invoke the absurdity doctrine in extreme cases and even then, most sparingly,” the Court wrote.

###

To read the decision in *State v. Montaña*, No. S-1-SC-39266, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/530397/index.do>