# Administrative Office of the Courts

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Supreme Court overturns decision that allowed murder charge against Uber driver

SANTA FE – The state Supreme Court today ordered a district court to move forward with proceedings on a voluntary manslaughter charge against an Uber driver in Albuquerque who fatally shot a passenger in 2019.

In a dispositional order, New Mexico's highest court reversed a decision of the Court of Appeals that found there was probable cause to bind Clayton Thomas Benedict over for trial on a second-degree murder charge for the fatal shooting of James Porter.

The district court in Bernalillo County heard testimony at a preliminary hearing and determined there was probable cause only for a charge of voluntary manslaughter. The ruling allowed the case against Benedict to move ahead toward trial on that offense rather than second-degree murder, which is a more serious charge.

In the order written by Chief Justice David K. Thomson, the Supreme Court unanimously concluded that the district court's probable cause determination did not constitute an appealable final order under state law. The Court pointed to a previous Supreme Court holding that an order was not considered final unless it resolved all of the issues and completely disposed of a case.

The Court stated that prosecutors had other avenues to pursue a second-degree murder charge against Benedict, including asking a grand jury to indict him on that offense.

Prosecutors had charged Benedict with second-degree murder and alternatively the lesser offense of voluntary manslaughter, which is an unlawful killing when a person is acting upon sufficient provocation, in the heat of passion or a sudden quarrel. The justices noted that the district court's ruling "relied essentially on the evidence that Defendant acted upon sufficient provocation by Victim." The district court did not dismiss the second-degree murder charge and instead ordered prosecutors to file a new charging document for voluntary manslaughter.

According to testimony at the preliminary hearing, Benedict picked up Porter and the victim's friend from a local bar. They were both intoxicated and the friend vomited on the back seat of the car. An argument occurred with Porter over a fee required under Uber policy to clean up the car. When the friend appeared about to vomit again, Benedict pulled over on the shoulder of

Interstate 25 and all three of the individuals exited the car. Porter allegedly threatened to run over Benedict with his own car and was shot as he started to get into the front seat.

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To read the dispositional order in *State v. Benedict*, No. S-1-SC-39240, please visit the New Mexico Compilation Commission's website using the following link:

https://nmonesource.com/nmos/nmsc/en/item/530462/index.do