



Administrative Office of the Courts

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NM Supreme Court invalidates a man's convictions for a killing when he was a teenager

SANTA FE – The state Supreme Court today vacated the second-degree murder and evidence tampering convictions of a Valencia County man, Brandon Villalobos, for a killing that occurred when he was a teenager.

The Court unanimously concluded that Villalobos was denied his constitutional right to a speedy trial. He spent nearly six years in custody awaiting trial after his arrest in 2014 for the beating death of a 12-year-old friend, who was identified in the opinion by his initials, A.M. The Court reversed a decision of the state Court of Appeals that affirmed Villalobos' convictions.

“Under the disturbing facts of this case, we hold that Defendant Brandon Villalobos – who has an intellectual disability and was fifteen years of age at the time of the underlying incident, his arrest, and the start of his extended pretrial incarceration – was deprived of his speedy trial rights,” the Court wrote in an opinion authored by Justice Michael E. Vigil.

It took more than three years to resolve questions of whether Villalobos was competent to stand trial, and the Court attributed much of that delay “to the neglect of assigned defense counsel in timely scheduling and properly arranging the defendant's competency evaluation.” However, the Court also found a “contributory failure on the part of the prosecution to diligently monitor the progress of its case.”

It is the responsibility of prosecutors, who represent the State of New Mexico, to ensure that justice is carried out by moving a case forward to trial in accordance with the Constitution, the Court explained.

“It is fair to say that the State failed to meet that responsibility here and, in doing so, allowed a teenage defendant with an intellectual disability to languish in jail for some three years and three months while his competency proceedings inched along at a glacial pace,” the Court wrote.

The Court sent the case back to the Thirteenth Judicial District Court, ordering it to set aside Villalobos' conviction and to dismiss the indictment that charged him with first-degree murder and evidence tampering.

Villalobos' first trial in December 2019 resulted in a mistrial. After a second trial in February 2020, a jury acquitted him of first-degree murder but convicted him of second-degree murder

and evidence tampering. The district court determined that Villalobos was not amenable to treatment and rehabilitation as a juvenile. He was sentenced in 2021 as an adult to 18 years in prison, with a credit for nearly seven-and-a-half years he had already spent in jail before his sentencing.

In today's opinion, the Court clarified how legal precedents on speedy trial issues apply in cases "where defense counsel is negligent and the defendant has an intellectual disability impacting their ability to guide the litigation and assert their right to a speedy trial."

The Court followed a four-factor test established by a decades-old U.S. Supreme Court decision, balancing the length of delay in bringing the defendant to trial, the reason for the delay, the "defendant's assertion of the right to a speedy trial," and the prejudice to the defendant from the delay.

"Just as a defendant's young age and intellectual disability can have a substantial impact on their ability to assert their speedy trial rights, so too should those same traits play a substantial role in determining whether a given defendant has suffered undue prejudice in a particular case," the Court wrote.

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To read the decision in *State v. Villalobos*, No. S-1-SC-40535, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538208/index.do>