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Supreme Court affirms Sandoval County man's murder conviction

SANTA FE – The state Supreme Court today upheld the first-degree murder conviction of a Sandoval County man for fatally shooting a school teacher in 2023.

The Court concluded in a unanimous decision that the trial court properly denied jury instructions requested by the defendant, David Salazar, about his claimed inability to form the deliberate intent to kill Joseph Keleher.

Salazar and Keleher lived in the small Sandoval County community of Ponderosa. Keleher, who taught at Jemez Valley High School, was found dead in his cabin from shotgun wounds. A jury convicted Salazar, and he was sentenced to life in prison for the murder and an additional three years for evidence tampering.

Salazar told law enforcement that he shot Keleher because he learned that the victim allegedly sexually abused his son. The son, however, denied the allegation and other investigations did not indicate any history of sexual abuse by the victim.

Salazar argued in his appeal that the jury should have been given a “mistake of fact” instruction on whether his belief about the alleged molestation, even if mistaken, provided enough provocation to reduce the charged crime to manslaughter.

Such an instruction was unnecessary, the Court concluded in the decision written by Justice David K. Thomson.

“Under New Mexico law, the molestation of a family member does not negate deliberate intent or otherwise serve as a defense to first-degree murder,” the Court wrote. “Therefore, Defendant’s mistake of fact, if true, would not have negated the required intent for first-degree murder, and the district court did not err in rejecting the instruction as it pertains to first-degree murder.”

The justices also explained that the trial court instructed the jury “that second-degree murder could be reduced to voluntary manslaughter if Defendant acted as a result of sufficient provocation.”

“The jury was therefore permitted to consider Defendant’s theory that his mistake of fact caused extreme emotions resulting in a temporary loss of self-control during which Defendant shot

Victim,” the Court stated. “The mistake-of-fact theory was thus subsumed by the sufficient provocation instruction.”

Salazar also argued that the jury should have been instructed to consider whether he was unable to form the deliberate intent for murder because of a mental disorder. He contended that his grief over the recent deaths of his wife and oldest son prevented him from forming the required criminal intent.

“While we agree with Defendant that expert testimony is not always required for this instruction, we need not reach whether it was required in this instance because nothing in evidence ties Defendant’s grief to an inability to form the requisite intent,” the Court wrote.

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To read the decision in *State v. Salazar*, No. S-1-SC-40696, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538176/index.do>