



Administrative Office of the Courts

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Supreme Court affirms murder conviction of man who strangled his wife

SANTA FE – The state Supreme Court today upheld the first-degree murder conviction of an Albuquerque man for killing his wife in 2021.

In a unanimous decision, the justices rejected arguments by Lee Marco Cuellar that the trial court erred in allowing a forensic psychologist to testify as an expert witness during the prosecution’s main presentation of evidence to the jury. The witness testified that the psychological symptoms exhibited by Mr. Cuellar did not necessarily mean he was incapable of forming the required criminal intent for first-degree murder.

Cuellar was sentenced to life in prison for the strangulation death of Rosalejandra Cisneros-Cuellar. He confessed to the murder, telling police that she appeared to be a demon and that he had planned to kill himself after strangling his wife. His first trial ended in a mistrial. He was convicted during a second trial.

In both trials, the defense contended that Cuellar did not deliberate before killing his wife, which is necessary for a conviction of willful and deliberate first-degree murder. According to an expert witness for the defense, Cuellar suffered from post-traumatic stress disorder and other psychological issues that impaired his ability to make plans and decisions.

Cuellar argued that the psychologist’s testimony was irrelevant during the State’s case-in-chief because it occurred before the defense presented evidence on its claim that Cuellar could not form the required deliberate intent. Cuellar contended that the psychologist could only testify as a rebuttal witness for prosecutors.

The court disagreed, noting that prosecutors for the State have the burden of proving that the defendant acted with the necessary intent for first-degree murder.

“To meet this burden, the State had an expert witness testify about whether the symptoms described by Defendant during the police lapel footage and subsequent interviews would preclude a person from forming deliberate intent,” the Court explained in the decision written by Justice David K. Thomson. “The testimony was thus relevant to the State’s case-in-chief, not rebuttal evidence, and the district court did not violate our rules of evidence or criminal procedure by permitting the testimony prior to Defendant’s case-in-chief.”

The Court also stated, “Even if we were persuaded that the State’s expert’s testimony was not relevant until Defendant raised the issue of inability to form deliberate intent, the testimony would be premature rather than irrelevant. Our courts have distinguished between prematurely admitted evidence and evidence that is entirely irrelevant.”

The justices noted a decades-old legal precedent that prematurely admitted evidence did not serve as grounds for reversing a conviction if the evidence would later have been admissible.

“Thus even if the testimony was irrelevant to the State’s case-in-chief, it would have become relevant and thereby admissible after Defendant claimed he was unable to form deliberate intent,” the Court wrote.

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To read the decision in *State v. Cuellar*, No. S-1-SC-40793, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538329/index.do>