Administrative Office of the Courts

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Supreme Court affirms murder conviction of man who shot his stepson's father

SANTA FE – The New Mexico Supreme Court today upheld the first-degree willful and deliberate murder conviction of a man who shot his stepson's father at a graduation party in Tucumcari in 2022.

In a unanimous decision, the Court rejected arguments by Tyre Garrett that there was insufficient evidence to prove he deliberately planned the murder because he was provoked by the victim. Garrett asserted the killing amounted to voluntary manslaughter.

"Given the abundant evidence supporting the jury's determination that Defendant acted with deliberate intent, we have no difficulty concluding the jury's verdict was supported by substantial evidence," the Court stated in its decision written by Justice Briana H. Zamora.

On the night of the murder, Garrett was at home celebrating his stepson's graduation when Michael Arellano, father of the graduate, arrived at the party appearing inebriated. Words were exchanged and they prepared for a fight before partygoers separated the two men. They continued to yell at each other for several minutes, but after a brief pause Garrett got in his truck, drove down the street and parked. Garrett then drove back to where Arellano was standing and shot him 12 times.

Garrett contended that killing Arellano was a rash or impulsive act arising from Arellano's repeated racial slurs and threats against him. He argued that the State only presented evidence to the jury that he had the opportunity to deliberate while sitting in his truck but failed to prove he actually deliberated before firing the fatal shots.

A verdict of willful and deliberate first-degree murder must be supported by evidence that the defendant killed with the state of mind of "deliberate intention."

The Court determined that Garrett's threats to kill the victim during their altercation provided evidence of deliberation. "More specifically," the Court wrote, "Defendant said that he would shoot Victim, 'and wouldn't feel bad' about it."

The Court explained that there was additional evidence to support the jury's finding of deliberate intent: evidence that Garrett "calmed down for a few minutes"; drove away, parked, then circled back to commit the killing; the victim's multiple wounds; Garrett leaving the scene, and evidence that he disposed of the rifle.

The Court also rejected Garrett arguments in his appeal that the prosecutor committed misconduct in statements during closing arguments and that the trial court should have modified its instructions to the jury.

The justices affirmed Garrett's conviction of evidence tampering for throwing his rifle from his truck after the shooting. The trial court sentenced Garrett to life in prison for the murder and an additional three years for the evidence tampering.

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To read the decision in *State v. Garrett*, No. S-1-SC-40701, please visit the New Mexico Compilation Commission's website using the following link: https://nmonesource.com/nmos/nmsc/en/item/538791/index.do?q=S-1-SC-40701