



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

S-1-SC-40763

ADRIAN DONTAE CAUSEY,

Defendant-Appellee.

APPELLEE'S ANSWER BRIEF

APPEAL FROM THE SECOND JUDICIAL DISTRICT COURT
BERNALILLO COUNTY
THE HONORABLE BRETT LOVELESS, JUDGE PRESIDING

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STATEMENT REGARDING RECORD CITATIONS

The record proper (**RP**) is cited by page number, e.g., **[RP 179]**. References to the State’s Brief in Chief are cited similarly, e.g., **[BIC 150]**. The proceedings were recorded by audio and reviewed using “For the Record” software. They were then transcribed using Rev.com software. Citations to the record are by date and FTR timestamp, e.g., **[10/2/23 CD 8:34:00]**. Exhibits are cited by exhibit number, e.g., **[St. Ex. 25]**. Citations use the format (cleaned up) in place of (internal citations and quotations omitted).

CERTIFICATE OF COMPLIANCE

The body of this brief does not exceed the page limit set forth in Rule 12-318(F)(2) NMRA. Pursuant to Rules 12-318(F)(2) and (G), undersigned counsel states that counsel used Times New Roman, 14-point font, a proportionally-spaced type style / typeface and that this brief was prepared using Microsoft Word, version 2016. Pursuant to Rule 12-318(F)(3), undersigned counsel states that the body of this brief does not exceed 11,000 words.

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NATURE OF THE CASE

In this case of first impression, Adrian Causey asks this Court to rule that evidence is inadmissible in New Mexico if obtained in another jurisdiction in violation of Article II, Section 10 of the New Mexico Constitution.

Mr. Causey was a passenger in a car en route from Albuquerque to the state of Georgia. Law enforcement in Texas stopped the car because of a defective taillight. The search expanded when the driver, Adrien Browne, admitted there was marijuana in the vehicle. The officers found an unloaded gun behind Mr. Causey's seat which was later connected to two murders in Bernalillo County. The search was valid under federal and Texas law. However, there was no claim of exigent circumstances as required for a valid search under Article II, Section 10 of the New Mexico Constitution.

Mr. Causey moved to suppress the evidence obtained during the search. The district court granted suppression, finding that use of the evidence would violate Mr. Causey's rights under the New Mexico Constitution. The State appealed. Mr. Causey asks this Court to rule that the fruits of the search were inadmissible in New Mexico pursuant to Article II, Section 10.

SUMMARY OF FACTS AND PROCEEDINGS¹

Mr. Causey was charged with the first-degree murder of Darryl Young

¹ Additional facts are included in the Argument section, as necessary.

and Tobi Stanfill, along with conspiracy, armed robbery, and tampering with evidence. **[RP 1-7]** Mr. Causey filed motions to suppress physical evidence and statements obtained in the warrantless motor vehicle search in Texas. **[RP 50-53, 64-69]** Both parties stipulated to the facts of the search in district court. **[RP 99; 10/18/24 CD 1:39:45-57:12]** The district court granted Mr. Causey's motions to suppress, citing Article II, Section 10 of the New Mexico Constitution. **[RP 98-112]** The State has accurately given the factual details of the search in its Brief in Chief. **[BIC 2-4]** Because the issue presented in this appeal is solely a question of law, this Answer Brief will not dispute the facts of the search set forth in the State's Brief in Chief. This Court has jurisdiction of this capital appeal pursuant to Rule 12-102(A) NMRA.

ARGUMENT

I. THE DISTRICT COURT CORRECTLY GRANTED SUPPRESSION OF EVIDENCE OBTAINED IN VIOLATION OF ARTICLE II, SECTION 10 OF THE NEW MEXICO CONSTITUTION.

A. Standard of Review.

"[A]bsent a valid exception to the warrant requirement, such as the combination of probable cause and exigent circumstances in this case, a warrant is required for a search of an automobile under Article II, Section 10 of the New Mexico Constitution." *State v. Rowell*, 2008-NMSC-041, ¶ 1, 188 P.3d 95.

“[T]he application of the law to the facts is reviewed de novo,” including determinations of reasonable suspicion. *State v. Garcia*, 2009-NMSC-046, ¶ 9, 217 P.3d 1032; *see also State v. Yazzie*, 2016-NMSC-026, ¶ 15, 376 P.3d 858 (stating that we review de novo whether a search or seizure was constitutionally reasonable). “Although our inquiry is necessarily fact-based it compels a careful balancing of constitutional values, which extends beyond fact-finding,” and is conducted by this Court through a de novo review. *Rowell*, 2008-NMSC-041, ¶ 8.

“Whether the exclusionary rule under Article II, Section 10 of the New Mexico Constitution applies to the use of evidence in a New Mexico state court proceeding when that evidence resulted from a search conducted by federal border-patrol agents is a threshold constitutional issue that is subject to de novo review.” *State v. Snyder*, 1998-NMCA-166, ¶ 6, 967 P.2d 843.

B. The Expansion of the Traffic Stop Was Unlawful Under Article II, Section 10 of the New Mexico Constitution.

This Court has found that the right to be free from a warrantless search of a motor vehicle in the absence of exigent circumstances is not protected by the Fourth Amendment to the United States Constitution. *State v. Gomez*, 1997-NMSC-006, ¶ 19, 932 P.2d 1. However, this Court did find protection for this right in Article II, Section 10 of the New Mexico Constitution. “In accordance with the principles underlying Article II, Section 10 and the cases over the last

seven years interpreting that provision independently from its federal counterpart, we announce today that a warrantless search of an automobile and its contents requires a particularized showing of exigent circumstances.” *Gomez*, 1997-NMSC-006, ¶ 39.

Here, the parties stipulated to the facts and agreed that the traffic stop was legal under federal and Texas law. **[RP 99; 10/18/24 CD 1:39:45-57:12]** The State also concedes that unlike Texas law, “New Mexico law requires a showing of exigent circumstances to justify expanding or extending a traffic stop.” **[BIC 6]** The sole question before this Court is whether New Mexico law should govern the admissibility of evidence in a New Mexico court proceeding of the fruits of a search valid under the law in another jurisdiction.

C. The District Court Correctly Applied Existing Caselaw on New Mexico’s Exclusionary Rule in a Novel Context.

Neither party was able to submit caselaw directly on point to the district court. This is a case of first impression in New Mexico. **[RP 103]** The district court supported its grant of suppression by citing two leading cases dealing with the admissibility of evidence from motor vehicle searches performed by federal officers within the state of New Mexico: *State v. Snyder*, 1998-NMCA-166, 967 P.2d 843, and *State v. Cardenas-Alvarez*, 2001-NMSC-017, 25 P.3d 225. **[RP 104-106]** While both courts conceded that the searches were permissible under

federal law, they determined that the greater protections afforded by New Mexico's exclusionary rule should apply in New Mexico courts. *Snyder*, ¶ 6; *Cardenas-Alvarez*, ¶ 14. Following the reasoning in these cases, the district court concluded that our exclusionary rule should govern admissibility of evidence in New Mexico courts obtained under the law of a sister state. **[RP 103-106]**

In *Snyder*, a federal border agent stopped a truck driven by the appellant at a checkpoint in New Mexico. The fruits of the search were offered into evidence in a New Mexico state court. The Court of Appeals held that "the requirement of exigent circumstances under Article II, Section 10 of the New Mexico Constitution applies to the federal border-patrol agent's search of Defendant's truck at a checkpoint in New Mexico when the State seeks to introduce evidence resulting from that search in a New Mexico state court." *Snyder*, 1998-NMCA-166, ¶¶ 2-4, 18. Similarly, in *Cardenas-Alvarez*, another border patrol agent detained the appellant at a checkpoint within the interior of the state. This Court followed *Snyder* in finding that Article II, Section 10 would govern the admissibility of the fruits of the search. Distinguishing federal Fourth Amendment jurisprudence, this Court held that "the purpose of the exclusionary rule is not to deter or ensure judicial integrity, but to "effectuate in the pending case the constitutional right of the accused to be free from unreasonable search and seizure." 2001-NMSC-017, ¶¶ 1-4, 18 (cleaned up). "Although we do not

claim the authority to constrain the activities of federal agents, we do possess the authority-and indeed the duty-to insulate our courts from evidence seized in contravention of our state's constitution." *Cardenas-Alvarez*, 2001-NMSC-017, ¶ 19.

The State's Brief argues that the holdings in these cases are factually distinguishable from Mr. Causey's case because both deal with the special circumstances of federal agents conducting border searches within the boundaries of New Mexico. However, the district court found the reasoning of *Snyder* and *Cardenas-Alvarez* persuasive because both cases rely on already established New Mexico jurisprudence interpreting our exclusionary rule with goals that diverge from federal Fourth Amendment caselaw. **[RP 104-106]** In particular, both *Snyder* and *Cardenas-Alvarez* indicate that New Mexico's exclusionary rule is not based on the rationale that suppression of tainted evidence is warranted only if such suppression is likely to alter the behavior or policies of law enforcement officials. Rather, the exclusionary rule under the New Mexico Constitution "focuses on the constitutional rights of individuals." *State v. Marquart*, 1997-NMCA-090, ¶ 17, 945 P.2d 1027; *Snyder*, 1998-NMCA-166, ¶ 15; *Cardenas-Alvarez*, 2001-NMSC-017, ¶ 18.

Essentially, the exclusionary rule in New Mexico is not merely a "judicial remedy" designed to curb police misconduct; instead, its source is the

constitutional right “to be free from unreasonable search and seizure includes the exclusionary rule.” *State v. Gutierrez*, 1993-NMSC-062, ¶¶ 50, 863 P.2d 1052. The New Mexico Constitution “expresses the fundamental notion that every person in this state is entitled to be free from unwarranted governmental intrusions,” and it “*requires* that [courts] deny the state the use of evidence obtained in violation of Article II, Section 10 in a criminal proceeding.” *Id.* ¶¶ 45-46 (emphasis added).

In *Gutierrez*, this Court distinguished its rationale for application of the exclusionary rule from that of the United States Supreme Court. 1993-NMSC-062, ¶¶ 16, 32. While the United States Supreme Court held that the purpose of the exclusionary rule is to deter police misconduct, this Court considered that the focus of our exclusionary rule “is to effectuate in the pending case the constitutional right of the accused to be free from unreasonable search and seizure.” Accordingly, this Court in *Gutierrez* emphasized that because our state constitution focuses on the constitutional rights of individuals, the exclusionary rule is not a “mere ‘judicial remedy’” for unconstitutionally seized evidence. *Gutierrez*, 1993-NMSC-052, ¶ 53; *Marquart*, 1997-NMCA-090, ¶ 17; *Snyder*, 1998-NMCA-166, ¶ 10. In particular, New Mexico’s exclusionary rule is not based on the rationale that suppression of tainted evidence is warranted only if such suppression is likely to alter the behavior or policies of law enforcement

officials. Rather, the exclusionary rule under the New Mexico Constitution “focuses on the constitutional rights of individuals.” *Snyder*, 1998-NMCA-166, ¶ 15

Other states have similarly concluded that their own constitutional protections govern admissibility of evidence obtained from federal or other state officers. *See, e.g., Moran v. State*, 644 N.E.2d 536, 538 (Ind.1994) (applying Indiana constitution to Indiana state judge's ruling on question of whether Indiana prosecutor should be permitted to convict upon evidence that was product of federal search warrant); *Stidham v. State*, 608 N.E.2d 699, 701 (Ind.1993) (applying Indiana statute to question of admissibility of statement obtained in Illinois in prosecution taking place in Indiana state court); *People v. Griminger*, 71 N.Y.2d 635, 529 N.Y.S.2d 55, 524 N.E.2d 409, 412 (N.Y.1988) (applying New York search and seizure law in trial for crimes defined by New York penal law); Jennifer Friesen, *State Constitutional Law* § 11–3(d)(3) (2d ed. 1996) (“A state judge has the power to control what evidence is admitted in his or her court.”); *cf. State v. Rodriguez*, 317 Or. 27, 854 P.2d 399, 404 (Or.1993) (en banc) (application of state constitutional provision in context of state criminal prosecution is not preempted by federal immigration laws). *Snyder*, 1998-NMCA-166, ¶ 11.

New Mexico should do no less than its sister states to protect the rights of its residents and the integrity of our courts. Because New Mexico courts have consistently shown concern for ensuring a higher degree of protection from intrusive searches than federal Fourth Amendment caselaw, the logic of *Snyder* and *Cardenas-Alvarez* support a finding by this Court that the New Mexico exclusionary rule should exclude the fruits of the Texas search when those fruits were obtained in contravention of New Mexico law. In *Cardenas-Alvarez*, this Court found “no mandate in the text of Article II, Section 10, nor in our jurisprudence interpreting this clause, to selectively protect New Mexico’s inhabitants from intrusions committed by state but not federal governmental actors. Nor do we believe such a limitation is appropriate.” *Cardenas-Alvarez*, 2001-NMSC-017, ¶ 18. It follows that this Court should find no mandate in Article II, Section 10 to deny New Mexicans constitutional protection from intrusions committed by officers of a sister state.

D. This Court Should Decline the State’s Invitation to Adopt the Concurrences in *Snyder* and *Cardenas-Alvarez*.

The State argues that the law of the site of the search should control admissibility of evidence in the courts of New Mexico. **[BIC 9-14]** The State’s argument cites the concurrences in *Snyder* and *Cardenas-Alvarez* in support of its argument that the New Mexico Constitution should apply only to actions of the

sovereign it governs, i.e., the State of New Mexico. **[BIC 8-11; *Snyder*, 1998-NMCA-166, ¶¶ 29, 34; *Cardenas-Alvarez*, 2001-NMSC-017, ¶¶ 27, 76]**

The concurrences are not apposite to the issues raised here. Judge Hartz's concurrence in *Snyder* emphasizes that the actions of federal officers are shielded by the Supremacy Clause, U.S. Const. amend. VI, cl. 2, which does not apply to officers of another state; hence the concurrence focuses on the futility of deterring federal officers' overreach instead of securing the protections of Article II, Section 10. *Snyder*, 1998-NMCA-166, ¶¶ 27-30. Justice Baca's concurrence in *Cardenas-Alvarez* similarly is concerned with issues of federal-state balance, focusing on the proposition that federal officers are not bound by the limits of a state constitution. 2001-NMSC-017, ¶¶ 27-30. Chief Justice Serna's concurrence in *Cardenas-Alvarez* focuses instead on his concern that the search in question may have violated the Fourth Amendment, and hence did not reach the question of whether the search also violated Article II, Section 10. *Id.* ¶¶ 74, 81.

In sum, the three concurrences are chiefly concerned with issues of federal-state comity, with emphasis on the inability of the New Mexico exclusionary rule to impact federal officers' respect for constitutional limits on gathering evidence. The State invites this Court to adopt the reasoning of the concurrences in resolving the issues raised by the Texas search. **[BIC 8-11]** However, to do so would not address the problem of evidence seized by officers

of other states. First, the Supremacy Clause does not apply to state actors. Second, New Mexico caselaw has stressed that Article II, Section 10 provides enhanced protections not for the purpose of deterring police misconduct, but to “effectuate in the pending case the constitutional right of the accused to be free from unreasonable search and seizure.” *Cardenas-Alvarez*, 2001-NMSC-017, ¶ 18. The State correctly points out that the conduct of officers in other jurisdictions will not be curbed by applying the New Mexico exclusionary rule to their search and seizure practices. However, this argument misses the point of the district court’s order, which focuses on the role of New Mexico courts in protecting the privacy rights of New Mexicans. Adopting the concurrences would put this Court in the position of delegating to agents of other jurisdictions the extent of constitutional protections enjoyed by New Mexico residents in New Mexico courts. Whatever practices of law enforcement may be acceptable in other jurisdictions should not determine the scope of New Mexicans’ constitutional rights.

II. AFFIRMING THE DISTRICT COURT’S RULING WILL NOT LEAD TO IMPRACTICABLE RESULTS.

A. Standard of Review.

A trial court’s decision to admit or exclude evidence is reviewed for abuse of discretion. *State v. Romero*, 2006-NMCA-045, ¶ 73, 133 P.3d 842. “An abuse

of discretion occurs when the district court's decision can be characterized as clearly untenable or not justified by reason." *State v. Ervin*, 2008-NMCA-016, ¶ 9, 177 P.3d 1067 (cleaned up). A district court also abuses its discretion when its "discretionary decision is premised on a misapprehension of the law." *Aragon v. Brown*, 2003-NMCA-126, ¶ 9, 78 P.3d 913; *State v. Marquez*, 2021-NMCA-046, ¶ 8, 495 P.3d 1150.

B. Affirming the District Court's Ruling Will Not Require the State to Dismiss the Charges Against Mr. Causey.

The State argues that this Court should not affirm the district court's grant of suppression because to do so would give Mr. Causey a free pass for allegedly committing two murders in New Mexico. **[BIC 15]** The State assumes that the contested evidence is the only evidence available to the prosecution. This is not supported by the record. The State gave notice via its Second Amended Witness List that it expected to offer testimony from Adrian Browne that he had picked up Mr. Causey after the shooting of Young and that Mr. Causey later admitted to him that he killed both Young and Stanfill. Further, the State expected that Shenaya Parisian would testify that she gave Mr. Causey a firearm and drove him to the site of Young's motel room before the shooting. **[RP 85; see also State's Response to Defendant's Motion to Sever Counts, RP 92-93]** Further, the State anticipated offering surveillance video and expert testimony

establishing the cell phone locations of Mr. Causey and Browne along with text messages. [*Id.*] The availability of other means of proof is a factor to consider in determining probative value of evidence. *State v. Otto*, 2007-NMSC-012, ¶ 15, 157 P.3d 8.

Suppression of the gun seized in Texas would not deprive the State of the means to pursue its case against Mr. Causey. In particular, the testimony of Browne and Parisian, supported by the other forensic evidence and the testimony of the Albuquerque investigating officers, would arguably be sufficient to take Mr. Causey's case to trial. Cases are routinely prosecuted without the firearm allegedly used, and Mr. Causey's case would be no exception. Since "there were alternative means of establishing the same fact," *State v. Villanueva*, 2021-NMCA-016, ¶ 37, 488 P.3d 680, affirming the district court's order would safeguard the rights of Mr. Causey under Art. II, Section 10 of the New Mexico Constitution without compromising the administration of justice.

CONCLUSION

This Court has traditionally emphasized the role of our exclusionary rule in protecting the people of New Mexico from intrusive searches performed without warrants and without the justification of exigent circumstances. Mr. Causey argues that the facts of his case align with the analysis in *Snyder* and *Cardenas-*

Alvarez and dictate a similar conclusion that the contested evidence should be excluded. He respectfully requests that this Court affirm the district court's grant of suppression and remand for appropriate further proceedings, or grant such other relief as justice demands.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served electronically on Felicity Strachan, Assistant Solicitor General at the NMDNJ, this 11th day of July, 2025.

/s/ Thomas J. Lewis
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