IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

No. S-1-SC-40763
D-202-CR-2023-02388

ADRIAN DONTAE CAUSEY,

Defendant-Appellee.

PLAINTIFF – APPELLANT'S REPLY BRIEF

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

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INTRODUCTION

Defendant's Answer Brief fails to meaningfully engage with the State's contention that the provisions of Article II, Section 10 of the New Mexico Constitution do not apply outside of the physical boundaries of New Mexico and that *Snyder* and *Cardenas-Alvarez* are thus distinguishable. Nor does Defendant's Answer Brief address the State's argument that, by voluntarily entering the state of Texas Defendant consented to be bound by Texas substantive and procedural law. Furthermore, while Defendant argues that the focus of the N.M. Constitution is on protecting individual rights, Defendant ignores the fact he is not the only individual in New Mexico whose rights are protected under the New Mexico Constitution. Victims of crime also have constitutional rights in this state, and are due certain process. The State asks that this Court balance Defendant's constitutional rights with the rights of the victims in this case, as required under New Mexico law. Finally, Defendant's Answer Brief states that this Court should do what other states have done in refusing to allow the admission of evidence gathered under these circumstances. However, Defendant only identifies two states that follow the course outlined by Defendant, which is not persuasive.

ARGUMENT

I. DEFENDANT'S ANSWER BRIEF FAILS TO MEANINGFULLY ENGAGE WITH THE STATE'S ARGUMENTS OR REASONING

A. *SNYDER* AND *CARDENAS-ALVAREZ* ARE DISTINGUISHABLE

Defendant's Answer Brief does not meaningfully address the distinction between law enforcement conduct within the boundaries of New Mexico and law enforcement conduct outside of the state. The New Mexico Constitution defines the boundaries of its jurisdiction as the physical boundaries of the state. *See* N.M. Const. Art. I; *see also State v. Snyder*, 1998-NMCA-166, ¶ 29, 126 N.M. 168 (Hartz, C.J., specially concurring) (reasoning that the New Mexico Constitution "applies only to the sovereign governed by the constitution in which it appears – the State of New Mexico"). In both *Snyder* and *Cardenas-Alvarez*, the conduct at issue occurred within the boundaries of this state. *See Snyder*, 1998-NMCA-166, ¶ 1 and *State v. Cardenas-Alvarez*, 2001-NMSC-017, ¶ 1, 130 N.M. 386. Accordingly, Article II, Section 10 applied. *Snyder,* 1998-NMCA, ¶ 1, *Cardenas-Alvarez,* 2001-NMSC-017, ¶ 1. Here, the law enforcement conduct at issue took place outside of the boundaries of New Mexico. Defendant's Answer Brief fails to meaningfully engage with the State's argument that it makes sense for the New Mexico Constitution to govern arrests effectuated, and evidence gathered, in New Mexico, but it does not make

sense for the New Mexico Constitution to apply to arrests effectuated, or evidence gathered, in other states.

Defendant's Answer Brief describes how the cases at issue are distinguishable from the instant case because they "are chiefly concerned with issues of federal state comity". **[AB 10]** The State agrees. In fact, that is the State's point. *Snyder* and *Cardenas-Alvarez* are distinguishable because this case is not about issues of federal state comity, but is about the admissibility of evidence obtained during a stop that took place lawfully outside of the N.M. Constitution's jurisdiction.

B. BY VOLUNTARILY CROSSING INTO TEXAS, DEFENDANT CONSENTED TO BE BOUND BY TEXAS LAW

Defendant's Answer Brief does not address the State's argument that Defendant submitted himself to the substantive and procedural law of Texas when he voluntarily entered that State. New Mexicans do not take their Article II, Section 10 protections with them to other states, but submit themselves to the legal peculiarities of whatever state they voluntarily enter, under the umbrella protections of the Fourth Amendment. Nor do citizens of other states carry their home state's constitutional protections with them when they come to New Mexico. Thus, where a stop, search, or arrest occurs lawfully in one U.S. state, the lawfulness of the stop, search, or arrest should be recognized in other U.S. states.

The purpose of the New Mexico exclusionary rule is to protect individuals from unreasonable governmental interference. Was it unreasonable for Deputy Sheriff Baker to stop, search, and arrest Defendant pursuant to the Fourth Amendment and the laws of his state? Of course not. It was reasonable for Deputy Sheriff Baker to follow the applicable laws and procedures. In short, no government officials engaged in unreasonable governmental action. This is not a situation where the evidence at issue was obtained by conduct impermissible under any standard of ordered liberty, such as torture, unfair psychological pressure, or gross deception. Instead, the alleged illegality here – expanding the scope of a lawful traffic stop without meaningfully extending the duration of the stop – is defined as reasonable by many other jurisdictions. Under Defendant's proposed reasoning, the State could *never* introduce evidence obtained in sister states under such circumstances.

All parties agree that the evidence was obtained lawfully under federal law and the law of the arresting state. Defendant should not be allowed to voluntarily enter a State, get stopped, searched, and arrested in that state, and then argue that that state's substantive and procedural law should not apply because he is being prosecuted in another state.

The reality is that in the modern world people constantly flow across state lines. It is not practical to base the system for the admission of evidence gathered in another jurisdiction on a requirement that the person gathering the evidence comport

with a constitutional provision that does not even apply to them. It makes more sense to require that the evidence be lawfully gathered where it was obtained. This is especially true when the arrest occurs in another U.S. state because every state is bound by the requirements of the Fourth Amendment, which thus provides a consistent protective standard across the nation. Here, the expansion of the stop was lawfully conducted and the district court erred in ruling that the evidence must be suppressed.

C. VICTIMS HAVE CONSTITUTIONAL RIGHTS TOO

Defendant's Answer Brief contends that the State's Brief in Chief "misses the point of the district court's order, which focuses on the role of New Mexico courts on protecting the privacy rights of New Mexicans." **[AB 11]** The State agrees that New Mexico courts are duty bound to protect the constitutional rights of New Mexicans. What Defendant fails to acknowledge is that criminal defendants are not the only New Mexicans who have rights protected under the New Mexico Constitution.

Under Article II, Section 4 of the New Mexico Constitution, all New Mexicans have an "inherent and inalienable" right to life. Under Article II, Section 18, no one's life can be taken away "without due process of law." Murder victims are specifically included in the Article II, Section 24 Victims' Bill of Rights. In this case, Defendant is alleged to have deprived two people of their constitutional right

to life. It is the State's duty to provide these victims with the process due to them of investigating their deaths, identifying a suspect, and bringing that suspect to trial. Just like Defendant, the two victims in this case are also entitled to a trial, and are entitled to have evidence against Defendant – that was gathered lawfully - presented to a jury.

The New Mexico Legislature has made it clear that victims' rights are to be "protected by law enforcement agencies, prosecutors *and judges* as vigorously as are the rights of criminal defendants." NMSA 1978, § 31-26-2(C) (emphasis added). This Court has done an excellent job of developing jurisprudence upholding and defending the constitutional rights of criminal defendants. The State asks this Court to devote as much effort to developing jurisprudence upholding and protecting the constitutional rights of victims of crime, as required under Section 31-26-2(C). The two individuals who were murdered here have just as much right to a fair trial as Defendant has, and this Court should balance the constitutional rights of Defendant with the constitutional rights of the victims, as the Legislature has explicitly required. In short, application of the exclusionary rule cannot come at the cost of depriving non-criminal-defendants of their constitutional rights.

II. DEFENDANT HAS NOT SHOWN A NEXUS BETWEEN HIMSELF AND THE PROTECTIONS OF ARTICLE II, SECTION 10

It appears from the record that Defendant is not from New Mexico and no longer resides here. In fact, the record indicates that Defendant's most significant tie to the state is that he is alleged to have murdered two people here. Accordingly, Defendant has not established a nexus between himself and the protections of Article II, Section 10. The State asks that this Court not mechanically apply the protections of Article II, Section 10 to a criminal defendant who has not demonstrated a nexus between himself and those protections.

III. DEFENDANT'S ARGUMENT THAT THE EVIDENCE WOULD BE SUPPRESSED IN OTHER STATES IS NOT PERSUASIVE

Defendant's Answer Brief argues that other states would not allow admission of the evidence at issue under these circumstances and that "New Mexico should do no less than its sister states to protect the rights of its residents and the integrity of our courts." **[AB 9]** In support of this argument, Defendant cites four cases from three other states, only two of which cases are applicable here. **[AB 8]** In *Moran v. State,* the Indiana Supreme Court applied the Indiana constitution to the question of whether evidence obtained within the state of Indiana pursuant to a federal search warrant could be admitted at trial. 644 N.E.2d 536, 537 (Ind. 1994) That is not the issue here, where the evidence was lawfully gathered in another state. In *Stidham v. State,* the Indiana Supreme Court did address the issue before this Court, and did

decide that the evidence obtained from another state should not have been admitted at trial. 608 N.E.2d 699 (Ind. 1993). The only other case cited by Defendant where another state's court addressed the issue before this Court and decided that the evidence was not admissible was *People v. Griminger*, 71 N.Y.2d 635 (N.Y. 1988). The fourth case cited by Defendant, *State v. Rodriguez*, 317 Or. 27, 854 P.2d 399 (Or. 1993), held that the Oregon constitution's provision allowing for greater protections than the federal Fourth Amendment were not preempted under federal law, which, like the ruling in *Moran*, is not at issue here.

In short, Defendant identifies two cases, *Stidham* in Indiana and *Griminger* in New York, wherein courts in other states ruled that evidence obtained under the same circumstances as here was not admissible at trial. The fact that Defendant could only find two cases wherein this question has been decided in his favor demonstrates that this issue is not well-settled among the states, and certainly not well-settled in Defendant's favor. Furthermore, the *Stidham* court acknowledged that there have been cases in Texas, Florida, Illinois, New Jersey, Alaska, and California "wherein other jurisdictions have held that in situations [where evidence is obtained in another state not conforming to the prosecuting state's particular constitutional protections], the [evidence] would be admissible in the prosecuting state." *Stidham*, 608 N.E.2d 699, 701. In other words, while it may be true that two states, Indiana and New York, do not allow admission of evidence under these circumstances, at least six others do

allow such admission. Accordingly, Defendant's reliance on caselaw from other states is not persuasive. In fact, Defendant's authority shows that the opposite is true: most jurisdictions that have considered the issue have *permitted* the government to introduce evidence that was lawfully gathered in another state.

CONCLUSION

For these reasons, the State respectfully requests that this Court overturn the district court's order granting Defendant's motion to suppress evidence.

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CERTIFICATE OF SERVICE

I hereby certify that, on July 25, 2025, I filed a true and correct copy of the foregoing through the Odyssey/E-File & Serve System, which effectuated electronic service to all those listed as service contacts.

/s/ Felicity Strachan
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