



The New Mexico Supreme Court Rule of Law Program 2026 *State v. Mendez: Discussion*

Note: Please refer to the Glossary in the 2026 Rule of Law Program education materials as an aid to understanding this Discussion.

A. Introduction

Today, you will see an oral argument in front of the New Mexico Supreme Court. Cases come to appellate courts, like the Supreme Court, after a party, or person, appeals, or challenges, a lower court's decision. This case started out in a district court in Otero County, which is in the Twelfth Judicial District. Then, it was appealed to the New Mexico Court of Appeals, and finally, to the Supreme Court. The Supreme Court is often the last chance to get a good result in the state court system.

The parties here are Carlos Mendez, the Appellant, and the State of New Mexico, the Appellee. An appellant is the party who asks a higher court to reverse, or change, a lower court's decision. An appellee is the party who responds to that appeal.

The parties may make their arguments in two ways: first, in writing, in documents called briefs, and second, verbally, at oral argument. An oral argument is an opportunity for the parties to present reasons to support their views. Each party has a limited amount of time to make the specific points they think are most important.

Normally, the appellant argues first, then the appellee. If the appellant has reserved time for it, once the appellee finishes, the appellant usually offers a rebuttal to address anything that might have come up during the appellee's argument. During each party's argument, the Supreme Court Justices may interrupt to ask questions. After the arguments end, the Supreme Court will meet privately to deliberate and discuss how to decide the case. As you watch, it may be helpful to write down questions that you would ask the parties if you were deciding this case.

B. Facts of the Case

On October 18, 2020, Carlos Mendez was in his stopped vehicle when Tularosa Police Lieutenant Ryan Blanton approached. [**Mendez's BIC 2**]. Lieutenant Blanton observed Mendez, who appeared to be asleep. *Id.* When Lieutenant Blanton woke up Mendez, Mendez said that he was tired. [**Mendez's BIC 2-3**]. Lieutenant Blanton later testified that Mendez showed signs of being intoxicated. [**Mendez's BIC 3**]. Mendez was arrested and taken to the police station, where he submitted to breathalyzer tests. *Id.* The results indicated that he had an alcohol concentration of 0.24 after an initial test and 0.22 after a second test. *Id.* Mendez was indicted on a charge of aggravated Driving While Intoxicated (DWI) (0.16 or above), contrary to NMSA 1978, § 66-8-102(D)(1) (2016). *Id.*

In the Twelfth Judicial District Court, Mendez’s case went to trial on December 7, 2022. *Id.* At one point during jury selection, a potential juror, Juror 6, said “Lieutenant Blanton ‘obviously has a reason to pull [Mr. Mendez] over and we wouldn’t be here if they didn’t have enough evidence that’s proof.’” **[Mendez’s BIC 4]**. Juror 6 also “remark[ed] that he believed Mr. Mendez had done something” and “that his belief was something that would weigh on him during deliberations.” *Id.*

Later, Mendez’s attorney asked potential jurors “if there was ‘anyone out there who thinks that if law enforcement and another witness had a conflicting story, you would believe law enforcement over someone else because of their training or their experience, things like that? Anyone feel that way?’” *Id.* Several jurors, including Juror 6, agreed with that statement. *Id.* Mendez’s attorney then asked Juror 6: “‘you think that you would give law enforcement testimony more weight than someone else?’” *Id.* Juror 6 said “‘Yes.’” *Id.*

Mendez’s attorney made a motion to strike Juror 6 from the jury for cause, on the grounds that Juror 6 was biased towards law enforcement. **[Mendez’s BIC 5]**. The Twelfth Judicial District Court denied that motion and Mendez’s attorney used a peremptory strike to excuse Juror 6. **[Mendez’s BIC 5]**. At the end of the trial, the jury found Mendez guilty of Aggravated DWI. **[Mendez’s BIC 6]**.

Then, Mendez appealed to the Court of Appeals, arguing that the Twelfth Judicial District Court should not have denied his motion to strike Juror 6 for cause. **[Mendez’s BIC 6]**. In its decision, the Court of Appeals “found that Mr. Mendez had not established error or an abuse of discretion” and affirmed the Twelfth Judicial District Court. **[Mendez’s BIC 6-7]**.

Next, Mendez petitioned the Supreme Court for a writ of certiorari, which was granted. **[Mendez’s BIC 7]**. Mendez asked the Supreme Court to review the Court of Appeals’ decision and vacate, or set aside, his conviction and order that he receive a new trial. **[Mendez’s BIC 7, 21]**. The State asked the Supreme Court to affirm Mendez’s conviction and sentence, as stated in the Court of Appeals’ decision. **[State’s AB 26]**. Alternatively, the State requested that the Supreme Court quash, or cancel, the writ of certiorari, meaning the case would not progress any further. **[State’s AB 25]**. Oral argument in this case takes place today.

C. Legal Questions

1. Did the Twelfth Judicial District Court make a mistake when it did not strike Juror 6 for cause? **[State’s AB 5]**.
2. Did the Court of Appeals make a mistake when it did not consider all of Juror 6’s statements in determining whether Juror 6 was biased? **[Mendez’s BIC 7]**.

D. Analysis by the Parties

Mendez is arguing that the Twelfth Judicial District Court made a mistake when it denied his motion to strike Juror 6 for cause. **[Mendez’s BIC 7]**. Specifically, Mendez argues that the Twelfth Judicial District Court abused its judicial discretion, or power, when it did not strike Juror

6 for cause because Juror 6's comments showed a bias towards law enforcement. **[Mendez's BIC 13]**. Mendez also argues that because he used a peremptory strike against Juror 6 and he used all of his peremptory strikes before the jury was selected, prejudice, or harm, to his case can be presumed. **[Mendez's BIC 19-20]**. Additionally, Mendez is arguing that the Court of Appeals should have considered all of Juror 6's statements in deciding whether Juror 6 showed a bias towards law enforcement. **[Mendez's BIC 9-10]**.

On the other hand, the State is arguing that the Twelfth Judicial District Court did not make a mistake when it refused to strike Juror 6 for cause. **[State's AB 5]**. Specifically, the State argues that the Twelfth Judicial District Court did not abuse its discretion when it refused to strike Juror 6 because Juror 6 did not say anything that would have required excusal. **[State's AB 6-7]**. Thus, the State is arguing that the Twelfth Judicial District Court's ruling was correct, the Court of Appeals was right to affirm its ruling, and the Supreme Court should agree. **[State's AB 25-26]**.

E. Selected Cases from the Pleadings

In their pleadings, the parties have discussed several New Mexico cases that cover jury selection. Some of those cases are listed below with links to [NMOneSource](#). NMOneSource provides free, online public access to official New Mexico appellate court cases, statutes, rules, and more.

1. [Alvarez v. State](#), 1978-NMSC-042, 92 N.M. 44.
2. [Fuson v. State](#), 1987-NMSC-034, 105 N.M. 632.
3. [State v. Johnson](#), 2010-NMSC-016, 148 N.M. 50.
4. [State v. Sims](#), 1947-NMSC-071, 51 N.M. 467.