



**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO,**

Plaintiff-Appellant,

v.

**No. S-1-SC-41150**

**JAMES BENJAMIN CARTER,**

Defendant-Appellee.

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**STATE OF NEW MEXICO'S REPLY BRIEF**

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On Certification from the Court of Appeals, No. A-1-CA-41915  
Appeal from the Second Judicial District Court  
Bernalillo County, New Mexico  
Cindy Leos, District Judge

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## **Introduction**

Defendant James Carter’s answer brief provides further assurance the Legislature did not intend for the district court to lose jurisdiction under the circumstances of this case. If it did, Defendant would have been able to effectively counter the State’s key points. Instead the most he can do is offer contentions that are amiss, rest on falsehoods, or defy logic.

The State stands behind the arguments advanced in its brief in chief. It responds as follows to: (1) clarify the facts and questions presented in this appeal, as well as the arguments the State is making; (2) explain deficiencies in Defendant’s reasoning; and (3) highlight arguments the State makes that go un rebutted.

## **Argument**

### **1. Many of Defendant’s arguments rely on inaccurate portrayals of the facts, questions, and arguments in this case.**

Many of Defendant’s arguments fail because they are predicated on inaccurate statements or misguided notions. At times Defendant strays from the facts of this case or the questions it raises, or he portrays the State as arguing something it is not.

By way of example, Defendant contends the State is asking this Court “to permit continued criminal jurisdiction beyond the Legislature’s express temporal limit.” **[AB 6]** That is not true. The State is asking this Court to recognize that

the Legislature did not intend a jurisdictional cutoff coinciding with the end of criminal commitment. **[BIC 8–20]** Hence this Court need not “permit” anything, least of all something the Legislature would not have intended.

Along those lines, Defendant claims the State is asking this Court to “disregard the Legislature’s express temporal limitation” and “treat the statute as authorizing indefinite, post-expiration criminal jurisdiction.” **[AB 16]** At least 37 more times, Defendant refers to this idea of “indefinite” or “unlimited” jurisdiction. **[AB 7, 15, 17, 19, 20, 21, 22, 24, 27, 29, 31, 32, 33, 34, 35, 37, 39, 42, 44, 45, 50, 51, 52]** In truth, the question in this case is not whether the district court’s jurisdiction extends over him indefinitely, but rather whether the court’s jurisdiction expired before the already-begun competency hearing could be completed on the 14th day after Defendant’s commitment ended. Those are two drastically different questions.

Relatedly, Defendant at times mistakenly frames the question (implicitly or explicitly) as whether the court’s jurisdiction could be “created” or whether the court may “extend or continue” jurisdiction. **[AB 11–12, 21, 23, 24, 26, 27, 28–29, 36–38, 48]** The real question, however, is whether the court’s jurisdiction necessarily *ended*, as the court itself concluded was the case. **[RP 144–51]**

Another misconception is that this appeal involves Defendant’s due process rights and liberty interests. **[AB 6–7, 13–14, 14, 15, 19, 21, 22, 35, 37, 41, 41–**

**42, 44, 45, 50]** The Due Process Clause applies when government action deprives a person of liberty or property. *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 U.S. 1, 7 (1979); *accord Aragon v. Martinez*, 2025-NMSC-046, ¶ 26 (recognizing that the threshold question in evaluating a due process challenge is whether there is a deprivation of liberty or property). At this point in this case, the State has deprived Defendant of nothing. He was released from commitment and, by his own admission, “remains at liberty.” **[AB 38]**

Nor are Defendant’s speedy trial rights—which he also implicitly invokes—at issue in this case. **[AB 22, 35, 36, 47, 49, 50]** Those rights were the basis of neither his motion to dismiss nor the court’s order finding that jurisdiction had lapsed. **[RP 132–42; 144–51]** Likewise immaterial are other considerations Defendant incorporates into his arguments, such as the applicable statutes of limitation and the substantive effect of any statutory provision besides NMSA 1978, Section 31-9-1.5(D)(4)(b) (1999, amended 2025). **[AB 15, 33–36, 39–40, 44, 50]**

The reality is, if at any time down the road Defendant believes his due process or speedy trial rights have been infringed or that the statutory deadline for prosecution has come and gone, he is free to file a motion stating his claims, and that motion may be litigated and ruled on in due course. But because these issues did not underpin the motion to dismiss or the resulting order, they are not

proper subjects of this appeal. *See, e.g., Porter v. Robert Porter & Sons, Inc.*, 1961-NMSC-010, ¶ 18, 68 N.M. 97 (recognizing that this Court will not decide abstract or hypothetical questions, where doing so will afford no actual relief). *See generally* 5 C.J.S. *Appeal and Error* § 830 (2026) (elaborating on the rule that “[i]ssues subject to review by an appellate court are generally limited to those properly before the court as presented to the court by the parties or otherwise before the lower court”).

Moving on, Defendant on occasion misapprehends the reason for the State’s citation to certain cases, namely, *State v. Maestas*, 2007-NMSC-001, 140 N.M. 836, and *Harrow v. Department of Defense*, 601 U.S. 480 (2024). In the case of *Maestas*, he believes the State to argue “that [the] court may look beyond statutory language when silence creates ambiguity.” **[AB 29–30]** In truth, the State cited *Maestas* for roughly the opposite proposition—that a court should *not* read into an unambiguous statute any measure the Legislature demonstrated it knew how, but decided not, to incorporate. **[BIC 26]**

And in the case of the State’s citations to *Harrow*, Defendant does not realize that those citations were intended to help convey general propositions of law—not, as he presumes (and as discussed further below), to suggest factual homogeneity between the cases. **[AB 30–31; BIC 10, 11, 15]**

**2. Some of Defendant’s legal statements and conclusions are either altogether bare of supporting authority or bare of authority on point.**

Additionally, Defendant propounds claims and conclusions of a legal nature that, because they are backed up either with no authority or with authority not on point, should be disregarded. *See, e.g., State v. Casares*, 2014-NMCA-024, ¶ 18 (“We will not consider an issue if no authority is cited in support of the issue, because absent cited authority to support an argument, we assume no such authority exists.”). Such claims and contentions with no corresponding authority appear (at a minimum) on pages 13 (first paragraph); 14 (first full sentence); 16 (first paragraph); 17 (first full paragraph); 36 to 37 (first paragraph under heading IV); 37 (first full paragraph); 39 (first full paragraph); 39 to 40 (paragraph beginning “The maximum . . .” through next paragraph); 41 (first full paragraph); 42 (first full paragraph); 43 to 45; and 50 to 51.

Claims and contentions with corresponding authority not on point appear (at a minimum) on pages 19 (first full paragraph); 26 (first full paragraph); 31 (first full paragraph); 35 (first full paragraph); 41 (first full paragraph); 41 to 42 (paragraph beginning “Permitting . . .”); and 42 (first full paragraph).

**3. Many of Defendant’s arguments rely on flawed reasoning.**

Meanwhile, many of Defendant’s arguments employ unsound logic. An oft-repeated false premise is captured in the following statement (in which Defendant quotes the relevant statute): “[C]ompetency review is authorized only



‘until expiration of the period of commitment.’” [AB 13, 16, 17, 18, 21, 23, 24, 25–26, 27, 28, 29, 30, 31, 32, 38, 41, 42, 52]

That is not what the statute says.<sup>1</sup> It does not cut off the court’s authorization to review competency, as Defendant’s rephrasing of it suggests; rather, it mandates that the court conduct competency reviews and indicates how often the court must do so. Defendant fails to appreciate the critical distinction, discussed in more detail on pages 9 to 10 of the brief in chief, between the terms “may only . . . until” and “shall . . . until.” In essence, he reads the statute in one of the ways expressed on the bottom of page 9 of the brief in chief—ways in which the Legislature chose not to express itself.

Elsewhere, Defendant in several instances uses circular reasoning. He attempts, in other words, to prove that the court here lost or lacked jurisdiction by presupposing that the court lost or lacked jurisdiction. By way of example, Defendant argues that the end of commitment “is essential to the statute’s operation because [the statute] conditions criminal jurisdiction over an incompetent defendant on the existence of a valid commitment period tied to the maximum sentence the defendant could have received.” [AB 26] Whether

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<sup>1</sup> Again, the statute reads: “[T]he court shall review the defendant’s competency and dangerousness every two years until expiration of the [commitment] period . . . .” Section 31-9-1.5(D)(4)(b) (1999).

jurisdiction is indeed conditioned on ongoing commitment is a key question in this case, not part of the reason for the answer to that question.

Other examples of circular reasoning occur on pages 13 to 14 (paragraph beginning “Due Process . . .”); 18 to 19 (beginning at “Although . . .” and ending before heading II); 20 to 21 (paragraph beginning “The Act . . .”); 24 (first full paragraph); 26 (first two full sentences); 29 (last sentence of first full paragraph; second full paragraph); 37 (first full paragraph); and 38 (first full paragraph).

In still other instances, Defendant’s arguments depend on the erroneous conclusion that the court’s authority over him is coextensive with his commitment term, or that the Legislature intended for all prosecution against him to cease once his commitment ended. **[AB 24, 26, 28–29, 29, 31, 32, 35, 40–41, 44, 51]** In truth, and as discussed on pages 17 to 18 of the brief in chief, his commitment is not like a criminal sentence, wherein once the term is up, the defendant can no longer be punished for the crime. *See, e.g., State v. Lovato*, 2007-NMCA-049, ¶ 6, 141 N.M. 508; *see also, e.g., State v. Quintana*, 2019-NMCA-030, ¶ 17 (“[C]ommitment pursuant to Section 31-9-1.5 is not punishment.” (alteration, internal quotation marks, and citation omitted)). Even he, through his citation to authority stating that commitment is not punitive, admits this. **[AB 37, 45–46]**

Rather—according to the criminal-commitment statute itself—jurisdiction *could* continue past commitment. This would happen if, around the end of the commitment term, the court found the defendant competent. In the words of the statute, “upon a finding that the defendant is competent to proceed in a criminal case, the court shall continue with the criminal proceeding.” Section 31-9-1.5(D)(4)(a) (1999).

Another type of logical fallacy employed by Defendant takes the form of efforts to avoid the application of unfavorable cases by calling attention to immaterial distinctions. For example, it is immaterial that the civil commitment statute in *New Mexico Department of Health v. Compton* (to use Defendant’s words) “allowed postponement for good cause and contemplated alternative remedies if deadlines were missed.” 2001-NMSC-032, 131 N.M. 204. **[AB 27]** *Compton* did not purport to hold that only if a statute includes these features can it be considered non-jurisdictional. *See id.*

Likewise meaningless are the distinctions between this case and *Harrow*, which Defendant also emphasizes. **[AB 30–31]** That the time provision there, unlike that here, specified when an appeal may be taken does not (as Defendant’s lack of citation to authority suggests) carry any real significance. The legislative intent controls, regardless of the context in which the Legislature speaks.

**4. Absent from the answer brief are explanations why many of the State's key points are not valid.**

And finally, it is telling that Defendant is unable to refute many of the State's points, including that:

- The plain language of the statute at issue does not support Defendant and the district court's reading of it; **[BIC 8–10]**
- The statute is analogous to that in *Aragon*, 2025-NMSC-046, ¶ 22, considering that both provide no consequence for the failure to strictly adhere to its time provision, and also do not prohibit action past the time spoken of; **[BIC 13–15]**
- The statute does not say jurisdiction is lost once the defendant is released from commitment, despite that it would need to for there to be such a loss of jurisdiction; **[BIC 15]**
- No prejudice would befall the defendant were the competency hearing to take place shortly after the commitment period, whereas there would be a potential harm to the public under a rule strictly barring such a hearing; **[BIC 15–16]**
- If the statute were construed to make jurisdiction coextensive with the commitment period, a defendant could gain an unfair advantage by intentionally delaying the proceedings (casting further doubt on Defendant's reading of the statute); **[BIC 16]**

- The Legislature cannot have intended perfect compliance with the statute's time provisions, given the absurd results that might follow (e.g., having to conduct a hearing on a Sunday); **[BIC 17]**
- There is no suggestion the Legislature intended to curb the district court's inherent power to manage its docket and respond to exigencies; and **[BIC 17]**
- Criminal commitment is not comparable to probation or criminal sentencing, and the rules governing those circumstances cannot rationally be applied here. **[BIC 17–20]**

### **Conclusion**

For a court to lose jurisdiction over a case, the Legislature must have clearly intended and expressed it. No such clear intent or expression is present here. All the while, the reasons the district court here believed it had lost jurisdiction—i.e., that criminal commitment is like probation or a criminal sentence—are indisputably unsound.

Defendant has failed to present a valid argument why the court cannot have conducted the last part of his competency hearing as scheduled. This Court is thus left without a good reason to affirm the court's order. The State thus asks this Court to reverse and remand this case to the district court, for it to finish Defendant's competency hearing.

Respectfully submitted,

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### **Certificate of Service**

I certify that on March 25, 2026, I filed this document electronically through the Odyssey E-File & Serve System, which caused opposing counsel, Jasmine J. Solomon, to be served electronically.

/s/ Teresa Ryan  
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