

		Issues 26-27 Term	
Case Number	Case Name	Case Type	Issues
S-1-SC-40701	State v. Garrett	Capital Appeal	<p>1- whether a rational juror could find beyond a reasonable doubt that appellant calmly and carefully reflected on and weighed consequences for and against taking victim's life;</p> <p>2- whether tc committed fundamental error by not instructing jury to consider effect of sufficient provocation on first degree murder's deliberate intent element and its failure to do so relieved the State of its burden to disprove sufficient provocation beyond a reasonable doubt</p> <p>3- whether State's pervasive misconduct during closing argument requires reversal of appellant's convictions</p>
S-1-SC-40723	New Mexicans for Utility Safety v. PRC	PRC	<p>1- whether PRC made reversible legal error by concluding that grid modernization application statute precludes consideration of the foundational objectives of the Public Utility Act, including public health, safety, and welfare;</p> <p>2- whether hearing examiner's exclusion of relevant evidence violated NMUS' right to procedural due process</p>
S-1-SC-40728	State v. Jaramillo 60-45-20	Capital Appeal	<p>1- whether evidence was sufficient to sustain convictions for first degree murder;</p> <p>2- whether dc erred in admitting evidence of a prior reckless driving incident as inadmissible propensity evidence;</p> <p>3- whether conviction for aggravated fleeing constitutes double jeopardy because it was subsumed in the felony murder charge;</p> <p>4- wehther reckless driving conviction constitutes double jeopardy because it was subsumed in the great bodily harm by vehicle, aggravated fleeing, and murder convictions</p>
S-1-SC-40734	State v. Duhart 120-45-20	Capital Appeal	<p>1- whether tc erred admitting hearsay of the decedent when offered to prove a third party's conduct;</p> <p>2- whether tc erred issuing extensions of the Interstate Agreement on Detainers deadline based on local rules rather than federal statutes or precedent;</p> <p>3- whether failure to file motion to sever prior to trial constitutes IAC</p>

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S-1-SC-40720	R&R LLC v. NMDOT 30-30-6	12-502 Cert Civil	<p>1- whether decision to apply "prescriptive easement" law led to an erroneous determination that State did not support the existence and establishment of a statutory right-of-way within the disputed property;</p> <p>2- whether dc committed reversible error when concluded that the 2016 quiet title section determined the rights of the parties in this matter;</p> <p>3- whether lower court committed reversible error when upheld viability of the slander title claims;</p> <p>4- whether lower courts committed reversible error when concluded State inversely condemned property which appellee purchased subject to the State's equitable title;</p> <p>5- whether lower courts committed reversible error in not dismissing intentional interference with contractual relations claims because inverse condemnation is the exclusive remedy for an alleged taking of property for public use</p>
S-1-SC-40768	Bigney v. City of Rio Rancho 30-30-6	12-502 Cert Civil	<p>1- whether dc erred or abused discretion when applied condemnation statute to claim for attorney fees on inverse-condemnation claim;</p> <p>2- whether compliance with dc award of attorney fees would violate anti-donation clause of the NM Constitution</p>
S-1-SC-40769	State v. Bonner 60-45-20	Capital Appeal	<p>1- whether the count three conspiracy to commit aggravated burglary is subject only a three year sentence, not a six year sentence;</p> <p>2- whether one of the two conspiracy convictions should be vacated to avoid double jeopardy;</p> <p>3- whether the count three conspiracy conviction should be vacated because it describes a non-existent crime;</p> <p>4- whether the State failed to prove felony murder</p>
S-1-SC-40788	State v. Duncan 60-30-6	12-502 Cert Criminal	<p>1- whether permissible length of delay for a traffic code misdemeanor should be less than the one year for "simple" (presumably felony) cases;</p> <p>2- whether NM should adopt greater protections for the speedy trial right under NM Constitution</p>

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S-1-SC-40809	Szantho v. THI of NM at Sunset Villa 30-30-6	12-502 Cert Civil	1- whether COA erred in finding the issue of whether an intended third-party beneficiary can be bound by an arbitration agreement is a matter of contract formation; 2- whether COA erred in holding as a matter of first impression that NM law does not permit a signatory to enforce a contract against a 3rd party beneficiary where the 3d party beneficiary is not seeking to enforce the K; 3- whether the COA's holdings violate the Federal Arbitration Act equal treatment principle; 4- whether COA erred in deciding the appeal on an issue that was not raised or briefed in the dc or on appeal
S-1-SC-40845	State v. Sandoval 60-45-20	Capital Appeal	1- whether there was sufficient evidence; 2- whether trial court erred in denying constitutional right to confront and cross examine the fingerprint expert; 3- whether trial court erred in not excluding prosecution witness on the grounds that prosecution never disclosed an audio recording of her prior police statement; 4- wether trial court erred in excluding defense expert witness; 5- ineffective assistance of counsel
S-1-SC-40848	State v. Waller 60-45-20	Capital Appeal	Whether State presented sufficient evidence to sustain conviction for first-degree willful and deliberate murder
S-1-SC-40870	Martinez v. Hammonds 45-45-20	State's Appeal of Ha...	1- whether Court can hear case that is moot, but presents issues of substantial public interest capable of repetition but evading review; 2- whether incarcerated person has a liberty interest in continued good time eligibility; 3- whether due process creates a right to sex offender treatment
S-1-SC-40874	Franklin v. State 45-45-20	12-501 Habeas	1- whether district court's denial of class certification is reviewable under Rules 1-023(F) and 12-203.1 NMRA; 2- whether district court erred in denying class certification when failed to apply <i>Anderson</i> and apply a Rule 1-023 analysis; 3- whether dc erred by transferring habeas case for improper venue
S-1-SC-40881	State v. Mendoza Espinoza	Capital Appeal	1- whether evidentiary errors cumulatively and individually require reversal; 2- whether 3 tampering convictions for the same course of conduct violate double jeopardy
S-1-SC-40882	State v. Villareal 60-45-20	Capital Appeal	Whether district court violated Confrontation Clause by admitting testimony of substitute medical examiner

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S-1-SC-40815	Murphy v. NM Superintendent of Insurance	12-502 Civil	Whether MMA permits the Superintendent to refuse to pay a court-approved settlement between a patient and a QHP
S-1-SC-40945	State v. Rivera 45-45-20	State's Appeal of Ha...	1- whether district court erred in releasing Pet from sex offender parole supervision when the delayed duration review hearing was the only basis for prejudice, contradicting <i>Aragon v. Martinez</i> ; 2- whether sex offender statute is unconstitutionally vague; 3- whether petitioner waived due process claim by refusing to participate in his duration review hearing
S-1-SC-40928	State v. Arciniega-Saenz 60-45-20	Capital Appeal	1- whether district court abused its discretion when declined to investigate appellant's developmental or intellectual disability and its impact on his competency to stand trial; 2- whether violations of state procedural law also violated right to procedural due process; 3- whether district court miscalculated appellant's resentencing confinement credit
S-1-SC-40964 S-1-SC-41075	State v. Huerta State v. Marquez	12-502 Criminal	Whether NM should return to federal inventory search framework, because COA blanket prohibition on container searches in the inventory context was unjustified at its inception, defeats the very purposes of inventory search doctrine, and results in confusion
S-1-SC-40999	State v. Frazier	12-502 Criminal	1- whether whole record approach requires consideration of evidence and is inappropriate where it undermines district court authority and is unfair to a party on appeal; 2- whether COA misapplied standard of review in considering additional evidence and therefore erroneously reversed the district court's suppression ruling
S-1-SC-40992	Avila v. Butt Thornton & Baehner	12-502 Civil	1- whether NM should extend qualified privilege available to corporate officers to encompass outside counsel retained by a corporation; 2- whether district court correctly held that qualified privilege bars Avila's claims against BTB
S-1-SC-40987	Conklin v. Sierra Vista Hospital	12-502 Civil	1- whether COA adopted definition of "incapacitated from giving notice" that conflicts with existing law and is inconsistent with the language and policies of the TCA; 2- whether COA interpretation of Section 41-4-16(B) is inconsistent with the language and legislative intent of the TCA; 3- whether COA adopted an overly-broad and vague standard for when jurisdictional questions are intertwined with the merits

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S-1-SC-40953	State v. Rios Alderete	Capital Appeal	<ul style="list-style-type: none"> 1- whether State's proof of wilful and deliberate murder was insufficient; 2- whether district court violated right to confrontation by prohibiting cross-examination exposing witness' motive to testify favorably for the State; 3- whether trial counsel was ineffective for failing to request self-defense and defense of another instructions, depriving appellant of a fair trial and undermining reliability of the verdict
S-1-SC-40965	State v. LaFleur	Capital Appeal	<ul style="list-style-type: none"> 1- whether, under Rules of Criminal Procedure, non-child victim depositions cannot be admitted against a defendant in lieu of testimony at trial; 2- whether admitting witness depositions at trial violated right of confrontation; 3- whether, even if admissible, the State failed to meet its burden to show "necessity" and "exceptional circumstances," and cannot even satisfy Rule 11-804.
S-1-SC-40982	State v. Garley	Capital Appeal	<ul style="list-style-type: none"> 1- whether alternative charges and shooting at or from a motor vehicle, and 2 conspiracy convictions must be vacated for insufficient evidence; 2- whether district court erred in denying defense's requested instructions on self-defense and mistake of fact
S-1-SC-40983	Richard v. Marathon Petroleum	12-502 Cert Civil	<ul style="list-style-type: none"> 1- whether COA's conclusion that the complaint alleges breach of tort duties independent from contractual duties imposed by the leases conflicts with NM precedent and cannot be reconciled with the substance of claims alleged; 2- whether COA erroneously interpreted statutory and contractual release of liability; 3- whether COA improperly imposes a requirement that contract must contain magic language expressly releasing tort liability to be effective
S-1-SC-40981	State v. Valerio	12-502 Cert Criminal	<ul style="list-style-type: none"> 1- whether metropolitan court abused discretion in admitting undated text messages; 2- whether State failed to properly authenticate the text messages; 3- whether metro court erroneously added 30 days to the 182-day speedy trial rule; 4- whether State failed to present sufficient evidence to sustain conviction for stalking
S-1-SC-41114	State v. Anderson	Capital Appeal	<ul style="list-style-type: none"> 1- whether district court unconstitutionally restricted appellant's cross-examination, resulting in prejudice; 2- whether NM should revisit "do not give" alibi and accomplice testimony instructions where failure to give either or both resulted in fundamental error; 3- whether district court committed reversible error in denying voluntary manslaughter instruction
S-1-SC-41012	State v. Fiske	12-502 Cert Criminal	<ul style="list-style-type: none"> 1- whether appellee had a possessory interest in the GoPro; 2- whether, even if he had a possessory interest, the district court erred in not considering his attempt to destroy it

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S-1-SC-40980	Atencio v. State	12-502 Cert Civil	1- whether NMSC has power and authority to enforce pollution control clause with judicially manageable standards; 2- whether oil and gas extraction and accompanying pollution violate equal protection, due process, and right to life, liberty, property, and safety
S-1-SC-41150	State v. Carter	Certification Criminal	1- whether expiration of appellee's commitment gave rise to a loss of jurisdiction, because legislature did not intend that result; 2- whether Section 31-9-1.5(D) (1999) did not bar the district court from completing the competency hearing after his commitment expired; 3- whether it can be concluded that any of the criminal charges had to have been dismissed after commitment expired; 4- whether the question of whether dismissal would have been with or without prejudice needs to be answered; 5- whether the stipulation supporting commitment precludes the State from pursuing some or all of the charges against him, including charges that would have supported a longer commitment period if proven at the time of commitment
S-1-SC-41105	State v. Bookout	Capital Appeal	1- whether district court erred in refusing to admit portion of body-camera recording in which officers express doubt that appellant was the person seen leaving the hotel; 2- whether State failed to present sufficient evidence to prove first-degree murder and aggravated assault; 3- whether district court's findings of aggravated assault and shooting at or from a motor vehicle and the firearm enhancements for shooting at or from a motor vehicle violate double jeopardy
S-1-SC-41099	State v. Lujan	12-502 Cert Criminal	1- whether the Court should re-affirm that <i>Jackson</i> is the controlling standard of sufficiency-of-evidence review in NM appellate courts; 2- whether COA applied the wrong standard of review and ignored or re-weighed substantial evidence from which a rational jury could have reasonably inferred that defendant exposed Tr. to cocaine over the 2015 President's Day weekend
S-1-SC-41043	State v. Toney	Capital Appeal	1- whether DC erred by allowing police witnesses to identify appellant in the surveillance videos; 2- whether DC erred by admitting hearsay statement
S-1-SC-41083	Blum v. Romero	12-502 Cert Civil	1- whether DC erred in finding that the Protest Board's Decision and Order was not supported by substantial evidence; 2- whether DC erred in finding that the Decision and Order is not in accordance with law

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S-1-SC-41142	State v. Cardenas	Capital Appeal	1- whether DC erred in invoking <i>Breit</i> where this Court reversed for evidentiary error and remanded for trial; 2- whether DC applied the incorrect standard of review and misapplied the three-prong test of <i>Breit</i>
S-1-SC-40924	Espinosa v. State of NM	12-501 Habeas	1- whether State failure to provide timely parole hearings violated due process; 2- whether crediting time from the delay toward his consecutive sentences is the proper remedy for due process violation
S-1-SC-41049	State v. Lucero	Capital Appeal	Ineffective assistance of counsel, where counsel failed to call several witnesses to support self-defense, failed to object to police officer's hearsay testimony, and objected that a prosecution witness had lied, but admitted he had not obtained protective order or affidavit in question.
S-1-SC-40904	State v. Arias	12-502 Cert Criminal	1- whether dc improperly denied motion for new trial; 2- whether it was plain error for expert witness to comment on the credibility of alleged victim; 3- whether convictions supported by sufficient evidence
S-1-SC-41198	State v. Billey x-30-6	12-502 Cert Criminal	1. Whether DC correctly concluded that the legislature did not intend the reflector requirement to apply to bicycles on sidewalks 2.-Whether DC should affirm DC, even if it holds that the requirement applies to sidewalks and that Officer Gordon Observed a "Possible Violation" Amounting to reasonable suspicion."
S-1-SC-40546	State v. Gonzales 60-45-20	12-501 Habeas	1. Whether Section 31-20-5(B)(2) Only tolls sex offender probation during incarceration for a parole revocation sanction, therefore in house parole served thereafter is "Pre-release time" and credits toward probation. 2. Whether as applied in the 2003 sex offender supervision statutory scheme is unconstitutional.
S-1-SC-41215	American Campus Communities, Inc. v Bernalillo County Assessor 30-30-6	12-502 Cert Civil	1. Whether the University's dedication of its property specifically to student housing, in support of the University's Educational Mission and Subject to its direction and control through the mechanism of its public-private partnership with ACC, Establishes and Educational use under Alumnae Association. 2. The Assessor should be equitably estopped, as a Matter of "Right and Justice," from denying an educational use exemption for certain years on the ground that ACC did not apply for an exemption.

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S-1-SC-41163	State v. Gibson 60-45-20	Capital Appeal	1. Whether the state presented sufficient evidence to sustain Petitioner's conviction for First-Degree Deliberate Intent Murder because it failed to prove deliberate intent.
S-1-SC-41203	State v. Cruz 30-30-6	12-502 Cert Criminal	1. Whether case should be remanded for retrial. There was no fundamental error because a. The jury's findings constitute a valid sex crime with the same punishment of which Defendant was on notice: CSCM (position of authority). b. The elements of second-degree of CSPM were satisfied. 2. Whether even if there was a fundamental error, the Court should remand for entry of judgment for CSCM (Position of authority). 3. Whether requiring retrial would be against public policy.
S-1-SC-41380	Rodriguez v. Allstate Property and Casualty Insurance Company Expedited briefing requested 20-20-7	Certification Civil	A. Whether Sanchez v. Kemper Insurance Co; 1981-NMSC-032 should be overruled B. Whether the Issue Presented is a question of law tha is reviewed de novo. Whelan v. State Farm Mut. Auto. Ins. Co; 2014-NM/SC-021 C. Preservation of Issue Presented D. Whether the Court Should overrule Sanchez v. Kemper Insurance Co; 1981-NMSC-032, and Require an Insurance Carrier to Show Substantial Pejudice to Raise the Affirmative Defense of violation of a Time-to-Sue Provision in an Insurance Policy. H. Whether the Court Should extend the Holding in Whelan v. State Farm Mutual Automobile Insurance Co; 2014-NMSC-021, 329 P.3D, to a Real Property Insurance Policy