



Administrative Office of the Courts

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Supreme Court affirms Artesia man's first-degree murder conviction

SANTA FE – The state Supreme Court today upheld an Artesia man's first-degree murder conviction for a fatal stabbing in 2016.

In a unanimous ruling, the Court concluded there was substantial evidence to support the jury's finding that Gregory Valenzuela acted with "deliberate intent" to kill Adrian Acosta.

Valenzuela argued in his appeal that the killing was rash or impulsive, supporting a second-degree murder conviction but not first-degree murder, which is a willful, deliberate and premeditated killing. He was sentenced to life in prison for first-degree murder.

Valenzuela stabbed or cut Acosta a dozen times in the neck, head and lower back after the victim had hugged and kissed Valenzuela's son on the forehead. The boy had been crying and wanted to go to a relative's home to play video games. The son and the son's grandmother witnessed the murder. The grandmother testified at trial that Valenzuela told the victim in Spanish, "How dare you do what you did to my son."

In his appeal, Valenzuela contended that the stabbing of Acosta multiple times should be considered evidence of a "crime of passion" rather than a deliberate and premeditated murder.

Previous Supreme Court rulings have found that evidence of "overkill" may support a jury's conclusion that someone acted with a deliberate intention to kill.

"Because this case is rife with other evidence, beyond evidence of overkill, to support the jury's verdict, we reject Defendant's invitation to overrule precedent," the Court held in an opinion written by Justice Barbara J. Vigil. "The number of stab and incise wounds Defendant inflicted on Victim is one of several pieces of evidence upon which the jury may have rested its finding that Defendant killed deliberately."

Among the evidence, the Court noted, is that Valenzuela "took several calculated steps prior to the killing, including calling his son over to him to inquire about Victim's actions, moving chairs

to an adjacent room, telling Son and Grandmother to sit in those chairs, and accusing Victim of harming his son.” Valenzuela also paused during the killing “to comment that Victim was ‘still breathing’ before continuing to stab and cut him.” Acosta was “defenseless during the attack as a product of his inebriation,” the Court noted, and Valenzuela boasted to police about the crime after initially lying about his role in the killing.

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To read the decision in *State v. Valenzuela*, No. S-1-SC-37415, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/488520/index.do>