



## Administrative Office of the Courts

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### **Supreme Court rules defendants causing fatal crash during a police pursuit may potentially face felony murder charges**

SANTA FE – The state Supreme Court unanimously ruled today a person who causes a death while fleeing a law enforcement officer may face prosecution for felony murder in certain circumstances.

Felony murder is a killing that occurs in the commission of a felony or attempt to commit a felony. It is treated as first-degree murder and is punishable by life in prison. Second-degree murder carries a basic sentence of 15 years.

The Court's decision came in a case in which Elexus Groves and Paul Garcia were charged with stealing a van in 2017, fleeing police and crashing into another vehicle, killing a mother and her teenage daughter. Groves drove the van at high speeds through residential neighborhoods and ran a stop sign, hitting the other car at 68 mph.

A district court judge dismissed felony murder charges against the defendants during pretrial proceedings, ruling that aggravated fleeing a law enforcement officer cannot serve as the underlying offense for felony murder. Prosecutors appealed.

In an opinion written by Justice David K. Thomson, the Court concluded that the charge of aggravated fleeing a police officer can provide the basis for a felony murder prosecution as long as the evidence shows the defendant had the criminal intent required under the law.

The justices ordered the case of Groves and Garcia back to the district court in Bernalillo County to determine whether the defendants had the necessary state of mind, what the law refers to as "mens rea," for the murder charge.

"Thus in this case, the State must establish that while committing aggravated fleeing a law enforcement officer, a fourth-degree felony (the lowest degree of felony in New Mexico), Defendants acted with a culpable mental state equivalent to that of a second-degree murder in

that they knew their ‘acts create[d] a strong probability of death or great bodily harm,’” the Court wrote.

The Supreme Court has previously ruled that the only felonies that can elevate a killing to felony murder are those “independent of the felonious purpose to injure or kill.” In today’s decision, the justices concluded that the objective of an aggravated fleeing offense has an independent felonious purpose, which is “to flee from law enforcement to avoid apprehension,” and thus may be used in a felony murder prosecution.

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To read the decision in *State v. Groves*, No. S-1-SC-37039, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/488844/index.do>