



Administrative Office of the Courts

Jan. 11, 2018

Summary of Supreme Court Ruling in *State v. Groves*

Defendant Elexus Groves appealed the pretrial detention ordered by a judge in the Second Judicial District Court in Bernalillo County. Groves was charged with two counts of first-degree murder and other offenses. The state Supreme Court upheld the detention in an oral ruling from the bench in April 2017, and issued its written opinion on Thursday.

Police arrested the defendant after identifying her as one of two people who fled from police in a stolen vehicle, resulting in a high-speed collision that killed two people and injured a third, and immediately stole another vehicle and completed their high-speed escape. The district attorney moved for detention, based on representations about the facts of the current case, the facts of her recent prior case in which she participated in a theft and high-speed attempted escape resulting in a crash, and her failure to abide by release conditions in the prior case.

The district court determined that there was clear and convincing evidence, as required by the New Mexico Constitution, that no conditions of release would protect the safety of others from the defendant and denied release before trial on any conditions (para.14).

In the written opinion, the Supreme Court affirmed the district court's denial of pretrial release although no live witness was called to testify, holding that:

- “the district court was entitled to take into account the factually undisputed information from court and law enforcement files (para.30).
- “The information in the record strongly supports the conclusion that Defendant has uncontrolled propensities to persist in the commission of unlawful and gravely dangerous conduct, as exemplified here by three vehicle thefts in just a matter of weeks, each followed by recklessly dangerous flights from authorities on the public streets” (para.32).
- “Defendant’s past conduct created a strong basis for reasoned inferences of her likely future conduct. Defendant had not simply committed an isolated act of theft or of reckless driving” (para.34).

The Supreme Court agreed with the district court that “there were strong reasons supporting a conclusion that no available release conditions a court could impose would protect against Defendant’s likely future dangerous conduct (para.38):

- “even if the court were to impose conditions as extreme as GPS monitoring, she could still steal another vehicle and resist arrest by engaging in another dangerous, or, as in this case, deadly escape from police” (para.38).
- “there is no reason for a court to believe that court-ordered release conditions would do any better in controlling Defendant’s repeated dangerous conduct than release conditions have done in the past. In fact, Defendant has demonstrated by her own conduct that the opposite result is likely” (para.43).

The opinion noted that the trial court also took into account “the high dangerousness score Defendant received on the Arnold Public Safety Assessment (PSA), a validated risk assessment that has been approved by this Court in the Second Judicial District as a pilot project” (para.40).