

# NEW MEXICO'S DEATH PENALTY



**CATHOLIC  
MOBILIZING  
NETWORK**

ENDING THE DEATH PENALTY.  
PROMOTING RESTORATIVE JUSTICE.

## The Facts

- 1 execution since 1976
- 73 executions before 1976
- Life without parole is a sentencing option
- Method of execution was lethal injection
- 4 people released from death row based on evidence of innocence
- 5 people have been granted clemency

## New Mexico's Exonerations

In 1974, four men were arrested and charged for the kidnapping, murder, and rape of a University of New Mexico student, William Velten. They were released in 1975 after the real murderer confessed. The case is infamously known as the Vagos Bikers Case.

## New Mexico's firsts and lasts

New Mexico has excluded juveniles from execution since 1975, making it one of the first states to do so. New Mexico was the most recent state to adopt a sentence of life without parole, in 2009.

## New Mexico's Bishops Stand Against Capital Punishment

In 2016, New Mexico Governor Susana Martinez proposed support for a death penalty reinstatement. The Bishops of New Mexico came out with a statement responding to this. A segment of that statement says, "If, instead, bloodless means are sufficient to defend against the aggressor and to protect the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person...The State created life in prison without the possibility of parole. This renders a perpetrator harmless to society...We oppose Governor Susana Martinez's plan to reinstate the death penalty and call on the Legislature to reject the legislation."

## NEW MEXICO'S PRISON RIOT

Ralph Garcia, a correctional officer, was killed during a prison riot in 1999. Thirteen men were charged in the murder, but eleven of those cases were resolved through plea deals. Robert Young and Reis Lopez were charged with capital murder, but the New Mexico Supreme Court suspended proceedings because the state had not provided sufficient funds for their defense. The cases continued when prosecutors stopped seeking the death penalty. Lopez pleaded guilty to second-degree murder and was sentenced to 29 years in prison. Young was convicted of felony murder and sentenced to life in prison.

## DEATH PENALTY ABOLITION

In 1986, Governor Toney Anaya commuted the death sentences of all five men on New Mexico's death row.

In 2009, New Mexico became the 15th state to abolish the death penalty. At first, it was unclear whether the two men remaining in New Mexico's death row would be executed. In June 2019, their death sentences were vacated. They are now serving sentences of life without parole.

# The Church and State Speak

## The Church Speaks

### Catechism of the Catholic Church

"The Church teaches, in the light of the Gospel, that 'the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person' and she works with determination for its abolition worldwide." (CCC 2267)

### *Evangelium Vitae*

Pope St. John Paul II's encyclical on human dignity, challenges us to be "unconditionally pro-life.": "The case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform." (*Evangelium Vitae*

### <sup>27</sup> United States Conference of Catholic Bishops

"Its [the death penalty] application is deeply flawed and can be irreversibly wrong, is prone to errors and is biased by factors such as race, the quality of legal representation and where the crime was committed." (*A Culture of Life and the Penalty of Death*, USCCB, 2005)

### Words of the Popes

**Pope Francis:** "Rendering justice' does not mean seeking punishment for its own sake, but ensuring that the basic purpose of all punishment is the rehabilitation of the offender." *World Congress Against the Death Penalty*, June 22, 2016

**Pope Emeritus Benedict XVI:** "Society's leaders should make every effort to eliminate the death penalty and to reform the penal system in a way that ensures respect for the prisoners' human dignity." *Benin, Africa*, Nov. 19, 2011



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## The States Speak

### Innocence

- Nationally, over 160 people have been exonerated from death row.
- For every nine executions carried out in the United States, one person has been found to be innocent.

### Racial Bias

- 76% of death row defendants have been executed for killing white victims, even though African--Americans make up about half of all homicide victims.

### Criminalization of Mental Illness and Intellectual Disabilities

- A study in the *Hastings Law Journal* of recent executions found that "over half of the last one hundred executed offenders have been diagnosed with or displayed symptoms of mental illness."
- The Supreme Court banned the execution of those with intellectual disabilities but states have significantly deviated from accepted clinical methods for determining intellectual disability.

### Overrepresentation of the Poor

- The majority of individuals on death row could not afford their own attorney. In many cases, the appointed attorneys are overworked, underpaid, or lacking the trial experience required for death penalty cases.

### Costly Public Policy

- Multiple studies have shown the cost of trial sentencing, appeals and imprisonment to be much higher in capital cases versus life in prison without parole.

### Geographic Basis

- 2% of all U.S. counties have produced 56% of the U.S. death row population