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Contact: Barry Massey, public information officer

bmassey@nmcourts.gov

505-470-3436

Supreme Court rules commitment of dangerous mentally incompetent defendants can be increased by one-third for aggravating circumstances

SANTA FE – Defendants found to be mentally incompetent to stand trial and dangerous may be committed for treatment for additional time because of aggravating circumstances, the state Supreme Court ruled today.

In a unanimous ruling, the Court affirmed a district judge's order in 2017 to extend the criminal commitment of Ricky Quintana by five years, bringing it to a maximum for 20 years for killing a man in Las Vegas in 2003. Quintana has been held in the New Mexico Behavioral Health Institute since his arrest for fatally stabbing Michael Grube at a house they shared.

The length of commitment under the New Mexico Mental Illness and Competency Code (NMMIC) may be increased by up to one-third "due to aggravated circumstances that bear a direct relation to a defendant's dangerousness and that are supported by clear and convincing evidence," the Court concluded in an opinion written by Justice C. Shannon Bacon.

In Quintana's case, the district judge found the "brutality and viciousness" of the murder constituted aggravated circumstances to extend the length of commitment to the state's secure, locked mental institution at Las Vegas. Quintana nearly decapitated the victim and mutilated his body, including removing his genitals. The judge concluded there was a danger that Quintana would not take medication if released and would pose a threat to the community if his psychosis returned. The five-year enhancement of Quintana's commitment represented one-third of the basic sentence for second-degree murder.

State law allows for the criminal commitment of a defendant charged with certain felonies up to the maximum sentence for the offense had the person been convicted. For that to happen, a district court must determine there is clear and convincing evidence the individual committed the crime, the person remains dangerous and continues to be incompetent to stand trial. During a criminal commitment, the district court must review the defendant's competency and dangerousness every two years to determine whether the individual's condition has changed and the defendant may be released.

The NMMIC does not specifically define "maximum sentence" for purposes of the duration of a defendant's criminal commitment. However, the Court concluded that the Legislature intended it to include enhancements provided for in the Criminal Sentencing Act (CSA) for aggravated circumstances surrounding the crime or concerning the offender. That law permits a convicted offender's basic sentence to be increased up to a third.

The "statutory language in question manifests clear policy underpinnings. 'Maximum sentence,' which contemplates aggravation, is consistent with legislative intent for the duration of a term of commitment to be as long as constitutionally permissible," the Court reasoned.

Quintana's 20-year term of commitment is scheduled to end in April 2023.

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To read the decision in *State v. Quintana*, No. S-1-SC-37570, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/494715/index.do>