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Supreme Court upholds convictions of Alamogordo man for murder and other crimes

SANTA FE – The state Supreme Court today affirmed the convictions of Robert "Bob" Chavez for his role in killing a man in Alamogordo in 2011 and burning the victim's body.

In a unanimous decision, the state's highest court rejected Chavez's arguments in appealing convictions of first-degree murder as an accessory to the killing, conspiracy to commit first-degree murder, arson and evidence tampering. Chavez was sentenced to life imprisonment – requiring a minimum of 30 years before becoming eligible for parole – plus an additional 21 years.

According to prosecutors, Chavez, other family members and a co-defendant, Matias Loza, were part of a drug-trafficking gang known as the AZ Boys. The murder victim, Richard Valdez, was killed at Chavez's house a day after an altercation at a restaurant.

Chavez contended that the district court in Otero County should not have jointly tried him and Loza, who pleaded guilty to murder and other charges after the state rested its case during the trial in 2019. Chavez testified in his own defense.

The justices determined that Chavez was not prejudiced by the joint trial.

"The trial court did not commit a fundamental error when it decided not to sever the joint trial," the Court concluded in an opinion written by Justice C. Shannon Bacon. "The joint trial did not undermine the 'foundation' of the defendant's rights or case. Neither did the joint trial deprive Defendant of a right that was essential to his defense. As far as we can tell, the foundation of Defendant's case at trial was his claim that he was not present at the time Victim was murdered. A joint trial did not deprive him of that defense or any other rights."

At the trial, Chavez's nephew testified about the killing, including how he, the defendant and Loza beat the victim before Loza fatally shot Valdez. At one point, the defendant pulled the victim back into the house to keep him from escaping. The victim's body was placed in a car, driven several miles away and burned in the vehicle. The nephew testified that Chavez handed

him matches to start the fire. The jury also heard recordings from Loza's cell phone in which Chavez talked about a plan to kill the victim.

The justices rejected a defense argument that there was insufficient evidence to support Chavez's arson conviction. The Court also held that Chavez's convictions and sentencing for murder as an accessory to the crime and conspiracy to commit murder did not violate constitutional protections against double jeopardy, which prohibit multiple punishments for the same conduct.

"There were clearly two instances of criminal conduct, and Defendant's respective sentences were based on those separate instances of criminal conduct," the Court reasoned.

In 2017, Chavez's nephew, Joey Chavez, pled guilty to murder and conspiracy to commit murder for his role in Valdez's killing. Joe Chavez, Joey's father and the defendant's brother, was tried separately and convicted in 2017 for his involvement in the murder.

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To read the decision in *State v. Chavez*, No. S-1-SC-37978, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/495364/index.do>