



## Administrative Office of the Courts

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Contact: Barry Massey, public information officer

[bmassey@nmcourts.gov](mailto:bmassey@nmcourts.gov)

505-470-3436

### **Supreme Court upholds first-degree murder conviction in killing of Raton woman**

SANTA FE – The state Supreme Court today upheld the first-degree murder and aggravated stalking convictions of Alejandro Azamar-Nolasco for the 2016 killing of a Raton woman.

The state's highest court, in a divided decision, vacated the defendant's conviction and sentence for aggravated burglary, concluding that it violated constitutional double jeopardy protections against multiple punishments for the same criminal conduct.

As charged against Azamar-Nolasco, the crime of aggravated burglary required the defendant to commit a battery – "the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner" – while committing a burglary.

The victim, Mandy Vanlandingham, was found in the bathtub of her home. She died from strangulation and drowning, but there were numerous bruises and abrasions on her body and a large chunk of her hair had been ripped out. She had a domestic violence restraining order against Azamar-Nolasco, who was her ex-boyfriend.

The Court's majority determined that Azamar-Nolasco's multiple acts of battery during his attack on Vanlandingham, were not distinct from the murder. The prosecution, according to the Court, "relied on the *act of murder* to prove the battery."

"In explaining the aggravated burglary instruction to the jury, the State asserted, 'Clearly he touched her in a rude or angry manner because he murdered her.' This reveals that the State's legal theory was that Defendant committed aggravated burglary when he killed Victim and not at any point before," the Court wrote in the majority opinion by Justice Barbara J. Vigil.

Justice David K. Thomson partly dissented, stating he would affirm all of the defendant's convictions. He disagreed with the majority's conclusion that the murder and aggravated burglary sentences violated the Constitution's Double Jeopardy Clause.

The Court rejected other arguments by the defense in its appeal, including that the aggravated stalking conviction also represented a double jeopardy violation. The justices found there was sufficient independent evidence to show that the stalking was separate from the conduct underlying the murder.

"Trial testimony established that Defendant had been following Victim, surveilling her residence, and harassing her with phone calls and text messages. The jury also heard evidence to support the aggravated element that Defendant repeatedly violated the restraining order against him," the Court wrote.

The Court ordered the case back to the Eighth Judicial District Court for resentencing because the defendant's nine-year sentence for aggravated burglary was vacated. Azamar-Nolasco was sentenced to life imprisonment for murder and that requires him to serve 30 years before becoming eligible for parole. He received an 18-month sentence for the aggravated stalking conviction.

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To read the decision in *State v. Azamar-Nolasco*, No. S-1-SC-37760, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/499257/1/document.do>