



## Administrative Office of the Courts

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### NM Supreme Court rules on DNA evidence obtained after a man's conviction

SANTA FE – The state Supreme Court today affirmed a district court's decision granting a new trial for a Roswell man because DNA test results have raised questions about his conviction for a fatal shooting in 2012.

In unanimously reaching that conclusion, the Court outlined a process for judges to follow in deciding whether to grant a new trial or other relief based on DNA test results obtained after a person was convicted of a crime. The opinion addressed legal issues that had not previously been decided by New Mexico's highest court concerning a state law for postconviction consideration of DNA evidence.

The justices reversed the state Court of Appeals and reinstated the district court's order for a new trial for Gregory Marvin Hobbs, who was sentenced in 2013 to seven years in prison for fatally shooting Ruben Archuleta Sr. during an altercation.

"We hold that in analyzing whether to grant postconviction relief, the district court must first make a threshold determination as to whether the test results are 'exculpatory,' that is, they reasonably tend to establish the petitioner's innocence or negate the petitioner's guilt," the Court wrote in an opinion by Justice Briana H. Zamora. "Second, if the district court finds the DNA evidence is exculpatory, the controlling inquiry under Section 31-1A-2(I) is whether and to what extent the evidence would have changed the result of the petitioner's trial. In determining whether to order relief, the district court's analysis should be guided by the standard that applies to the specific form of postconviction relief requested."

The district court in Chaves County in 2017 denied Hobbs' initial request to vacate his conviction based on DNA test results. Hobbs asked the court to reconsider his request based on a new expert's more refined probability analysis of the DNA evidence using computer software. The district court granted the request in 2018 and, after considering the new analysis, determined that Hobbs should be granted a new trial. Prosecutors appealed.

The district court ordered a new trial for Hobbs based on DNA testing of the handgun that Hobbs fired. The victim's DNA is a "very strong match" with DNA found on the gun's ejection port, according to a researcher's analysis performed for the defense. In his request for a new trial, Hobbs contended that the DNA test results showed that the victim touched the handgun — providing physical evidence to support his testimony that the shooting occurred when he and Archuleta struggled over the gun.

The Supreme Court concluded that DNA test results obtained by Hobbs "are exculpatory because they corroborate his claim that he acted in self defense when he shot and killed" Archuleta. "While it is a close question, we also conclude that the district court did not abuse its discretion when it granted Hobbs's motion for a new trial based on its determination that the evidence would likely have resulted in a different verdict had it been available at trial," the justices wrote.

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To read the decision in *State v. Hobbs*, No. S-1-SC-38437, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/521250/index.do>