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Supreme Court clarifies good time eligibility for juveniles convicted of first-degree murder

SANTA FE – A juvenile sentenced to less than life imprisonment for first-degree murder can earn good time credit only if the sentencing court explicitly authorizes it, the state Supreme Court ruled today.

In a unanimous opinion, the Court reversed a district court’s determination in a habeas corpus proceeding that Norman Cates was eligible to earn up to four days of good time against his sentence for every month he served in prison. The Earned Meritorious Deduction Act (EMDA) permits up to 30 days of good time credit for prisoners confined for nonviolent offenses and up to 4 days of credit for inmates incarcerated for a serious violent offense.

Cates was convicted and sentenced to 30 years in prison for the first-degree murder of a 65-year-old Roy woman who was his neighbor. He was 17 at the time of the 2004 killing. The victim, Lena Barrett, was repeatedly stabbed, beaten and choked while sleeping in her home.

“In this opinion, we clarify that a serious youthful offender serving less than a term of life imprisonment only becomes eligible to earn meritorious deductions if expressly made eligible to do so by the sentencing court. We conclude that Defendant’s original judgment and sentence is silent as to his good time eligibility, and he is not eligible to earn meritorious deductions,” the Court wrote in an opinion by Justice Briana H. Zamora.

Adults convicted of first-degree murder must be sentenced to life in prison or life imprisonment without possibility of parole and the law does not permit a person sentenced to life to obtain good time credit against that sentence. However, the law allows a court to impose a sentence of less than life imprisonment for a serious youthful offender — someone who is 15 to 18 years old and charged with first-degree murder.

Fourteen years after he was sentenced, Cates filed a habeas corpus petition in district court seeking to clarify his eligibility for good time credit that could reduce the actual time he must spend in prison. He participated in therapeutic and educational programming while in prison,

including passing a high school equivalency exam and speaking at outreach events for at-risk youth. The Department of Corrections did not award Cates good time for those activities.

In his petition, Cates contended that he should receive credit for good behavior in prison because the sentencing court did not expressly limit his eligibility. The district court determined that Cates could earn up to 4 days of good time credit for each month in prison under the EMDA. The Supreme Court reversed.

“We conclude that a serious youthful offender does not become eligible to earn meritorious deductions solely by virtue of being sentenced to less than life imprisonment. However, in exercising its discretion to sentence a serious youthful offender to less than the mandatory life sentence of an adult, a sentencing court may specify that the offender is eligible to earn deductions within the existing framework of the EMDA,” the Court wrote. Because the sentencing judge in Cate’s case did not specify that he would be eligible for good time, he is not eligible to receive it.

The justices ordered the case back to the district court to reinstate Cates’ original judgment and sentence.

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To read the decision in *State v. Cates*, No. S-1-SC-38989, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/521418/index.do>