



Administrative Office of the Courts

FOR IMMEDIATE RELEASE

May 6, 2024

Contact: Barry Massey, public information officer
bmassey@nmcourts.gov
505-470-3436

Supreme Court upholds convictions in triple homicide in northern New Mexico

SANTA FE – The state Supreme Court today affirmed a man's murder convictions for the shooting deaths of three people and burglary at a home in northern New Mexico where he had lived until a few days before the killings.

In a unanimous decision, the Court concluded there was sufficient evidence to support John Powell's convictions of three counts of first-degree murder and one count of aggravated burglary.

The appeal before the Court did not challenge Powell's conviction of conspiracy to commit first-degree murder. He received three consecutive life sentences for the murders, with an additional 18 years to follow for the other crimes. A single term of life imprisonment under state law requires serving at least 30 years in prison before becoming eligible for parole.

A surveillance camera recorded the 2018 killings and theft of a safe and other items by Powell and his brother at the home of April Browne near the community of Dixon in Rio Arriba County. Until six days before the murders, Powell and his girlfriend lived at the house where Ms. Browne ran a drug operation. They worked for Browne and paid bills in lieu of rent. They moved out of the house after Ms. Browne accused Powell's girlfriend of stealing drugs.

In his appeal, Powell argued there was insufficient evidence that he acted with a deliberate intent to kill and that prosecutors failed to prove an element necessary for the crime of aggravated burglary — that he “entered a dwelling without authorization.” Powell contended that he was authorized to enter Ms. Browne’s home because he resided there and that any person was allowed to enter the house to buy or use drugs there. Browne also claimed the murders were a “rash act” because he was suffering from drug withdrawal.

The Court rejected Powell's arguments, concluding there was “overwhelming evidence” to support the murder convictions. Powell and his brother drove for more than an hour to reach Ms. Browne's house purportedly to get tools and buy drugs, the justices noted, but they came armed

and parked at the bottom of a hill. They reached the house by a rocky path that was out of the view of security cameras, which Powell had installed as part of his work for Ms. Browne. The victims were shot inside a bedroom and then Powell took a safe from a dresser drawer.

“The entire assault, including removing the safe and laptops, lasted only fifty-two seconds. A juror could reasonably determine that the precisely choreographed actions in the video demonstrate the type of careful thought sufficient for deliberation,” Chief Justice David K. Thomson wrote in the Court’s nonprecedential decision.

The justices concluded there was adequate evidence for the aggravated burglary conviction. The Court explained that a juror could have determined that Powell and his girlfriend had “surrendered their interest in Ms. Browne’s property, immediately terminating their oral lease” when the girlfriend texted that they were leaving the house, Ms. Browne replied, “That’s up to you,” and they packed their belongings and left.

“Absent another theory providing consent, Defendant’s entry on the night of the murders would be unauthorized,” the Court wrote.

The justices also stated there was “ample evidence for a rational juror to infer that Ms. Browne’s house was neither open to the public twenty-four hours a day, seven days per week, nor that it was open for business at the particular time Defendant entered.”

The front door of the house was locked on the night of the murders – Powell and his brother entered through a back door – and Ms. Browne sold drugs to a limited number of regular customers, according to evidence presented by the state.

Powell’s brother, Roger Gage, was separately convicted and sentenced to life in prison. The Supreme Court last year affirmed his convictions of three counts of first-degree willful and deliberate murder.

###

To read the decision in *State v. Powell*, No. S-1-SC-39377, please visit the New Mexico Compilation Commission’s website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/522498/index.do>