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NM Supreme Court concludes there was no speedy trial violation for man convicted of murder

SANTA FE – The nearly six-year wait for an Albuquerque man to go trial for the 2010 murder of his girlfriend did not violate his constitutional right to a speedy trial, the state Supreme Court ruled today.

In a split decision, the Court reversed a state Court of Appeals ruling that overturned Jeremiah John Gurule’s convictions on grounds of a speedy trial violation. He was sentenced to 18 years in prison in 2016 for convictions of second-degree murder and evidence tampering.

The Court’s majority concluded there was no speedy trial violation after considering the length of the trial delay, the reasons for it, the defendant’s assertion of his right to a speedy trial and the prejudice suffered by the defendant from the delay.

In an opinion by Justice David K. Thomson, the Court’s majority found that the 69-month period between Gurule’s arrest and trial clearly required a legal analysis of a possible speedy trial violation but it disagreed with the Court of Appeals’ decision “to weigh the reasons for delay heavily against the state.”

“Instead, we weigh the reasons for delay in large part against Defendant because much of the delay was the result of the multiple considerations of Defendant’s competence to stand trial. The Court of Appeals erred in weighing that delay against the State,” the Court’s majority wrote.

Previous decisions of the Court, the majority explained, have held that delays related to a defendant’s competency determination do not impact a defendant’s right to a speedy trial.

Gurule asserted his right to a speedy trial five times, but he “stipulated to at least six continuances and independently moved for continuance on the eve of trial,” the majority wrote. “Therefore, we not only defer to the finding of the district court that Defendant was ‘to some extent ... engaged in gamesmanship,’ but we also find it well supported in our review.”

In a dissenting opinion, Chief Justice C. Shannon Bacon and Justice Michael E. Vigil determined that Gurule's right to a speedy trial had been violated. They disagreed with the majority's "weighing of periods of delay related to competency evaluations against Defendant and its finding that Defendant suffered no prejudice" as a result of his years-long pretrial incarceration.

"The majority upends this Court's speedy trial jurisprudence in concluding that a delay of nearly six years in trying Defendant for murder is reasonable," Chief Justice Bacon wrote in the dissent.

The dissenting justices explained that "we should only weigh delays resulting from competency evaluations against Defendant if such delays were 'unreasonable.' It cannot be said that taking the time to determine competency here was unreasonable or a tactic employed by Defendant to delay his trial."

The majority, Justice Thomson wrote, "reasoned that the process of adjudicating competence is 'for the benefit of the defendant' and, therefore, 'chargeable to the defendant.'" He added, "Our conclusion that delays due to competency evaluations are chargeable to the defendant is consistent with other jurisdictions' recognition that 'a defendant may not complain of delays occasioned by the trial court's attempt to protect his interests.'"

Gurule argued that he suffered "particularized prejudice" from the delay because of the anxiety from being confined away from other inmates during the years he awaited trial. The Court's majority rejected this claim, pointing out that Gurule was kept in administrative segregation because of his violent behavior each time jail staff attempted to move him into the general inmate population.

Gurule's "own behavior was to blame for the restrictions he faced in segregation. Therefore, any prejudice he suffered was due to Defendant's own actions," the Court's majority wrote.

The case was ordered back to the Court of Appeals for consideration of other issues raised by Gurule in challenging his convictions.

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To read the decision in *State v. Gurule*, No. S-1-SC-37879, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/522213/index.do>