

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Court of Appeals of New Mexico

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Plaintiff-Appellee,



Mark Reynolds

v.

No. A-1-CA-42300

JOSEPH A. ANAYA, JR.,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY

T. Glenn Ellington, District Court Judge

Raúl Torrez, Attorney General

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for Appellee

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Santa Fe, NM

for Appellant

MEMORANDUM OPINION

WRAY, Judge.

{1} Defendant appeals a jury's convictions for three misdemeanor charges related
to a road rage incident and its aftermath. Defendant argues that (1) the charges
against him should have been dismissed because he was held in custody for twenty-
six days before a court provided the information required at a felony first appearance

(the felony first procedure), *see* Rule 6-501(A) NMRA (providing for a felony first appearance in magistrate court); Rule 5-301(D) NMRA (providing for a felony first appearance in district court); and (2) the evidence did not support two of the convictions. We conclude that dismissal was not a required remedy for any prejudice resulting from the late felony first procedure and that the evidence supported Defendant's convictions. We affirm.

DISCUSSION

{2} Because this is a memorandum opinion, we forego a background section and proceed directly to our analysis. As we have indicated, Defendant raises two issues on appeal. First, Defendant raises a constitutional challenge¹ to the district court's remedy for the irregular proceedings at the early phases of the case and whether the remedy satisfied due process protections. Second, Defendant challenges the sufficiency of the evidence for two of the convictions. We address each issue in turn.

I. Due Process

{3} We review Defendant's due process challenge *de novo*. *See Archuleta v. Santa Fe Police Dep't ex rel. City of Santa Fe*, 2005-NMSC-006, ¶ 31, 137 N.M. 161, 108 P.3d 1019. New Mexico courts generally use the three-factor test from *Mathews v.*

¹We observe that the district court determined that the magistrate court's failure to hold a felony first appearance hearing violated the rules of criminal procedure. On appeal, however, both parties focus on due process and no argument is made that a different remedy was required for any rule violation. Accordingly, we limit our review to the constitutional issue.

1 *Eldridge*, 424 U.S. 319 (1976), to evaluate questions of procedural due process, by
2 balancing the “protected interest that has been deprived by the state” against “the
3 state’s interests.” *State v. Cooley*, 2023-NMCA-089, ¶ 31, 538 P.3d 491. The factors
4 are:

First, the private interest that will be affected by the official action;
second, the risk of an erroneous deprivation of such interest through the
procedures used, and the probable value, if any, of additional or
substitute procedural safeguards; and finally, the [g]overnment’s
interest, including the function involved and the fiscal and
administrative burdens that the additional or substitute procedural
requirement would entail.

5 *Mathews*, 424 U.S. at 335. Although our Supreme Court has approved the use of the
6 three-factor *Mathews* test to evaluate questions of criminal procedure, *see Aragon v.*
7 *Martinez*, 2025-NMSC-046, ¶¶ 1, 34, 580 P.3d 202, Defendant suggests that to
8 determine the appropriate remedy for a deprivation in the criminal procedure
9 context, we apply the test articulated in *Medina v. California*, 505 U.S. 437 (1992).
10 We are not persuaded.

11 {4} New Mexico courts have routinely applied *Mathews* in circumstances similar
12 to the present case. *See State v. Houdobre*, 2025-NMSC-007, ¶ 27, 563 P.3d 890
13 (explaining that “New Mexico courts apply the three-factor test from *Mathews*” and
14 that “the *Mathews* test is applied in both civil and criminal contexts”). In *Aragon*,
15 our Supreme Court followed the *Mathews* framework to consider the delay or denial
16 of statutorily-mandated duration review hearings for sex offenders sentenced to an

1 indeterminate period of parole. *Aragon*, 2025-NMSC-046, ¶¶ 1-2, 36-40. This
2 Court, in *Cooley*, used the *Mathews* test to consider a similar question—the
3 appropriate remedy for probationers who were deprived of timely statutorily-
4 mandated probation duration review hearings. *See Cooley*, 2023-NMCA-089,
5 ¶¶ 2, 31. Similar to *Aragon* and *Cooley*, the present case involves a delayed
6 procedure that was required by the rules and the district court’s remedy for any
7 prejudice resulting from the delay.

8 {5} Other jurisdictions have viewed the *Mathews-Medina* inquiry in different
9 ways. Some courts have determined that *Medina* applies to evaluate “the process
10 afforded during criminal proceedings themselves.” *See Krimstock v. Kelly*, 464 F.3d
11 246, 254 (2d Cir. 2006); *State v. Heddrick*, 215 P.3d 201, 204 n.3 (Wash. 2009)
12 (“[T]he *Mathews* balancing is not appropriate in criminal cases.”). Others have
13 applied *Medina* to questions of competency. *See State v. Coley*, 326 P.3d 702, 710
14 (Wash. 2014). Some courts decline to select the applicable test and instead are
15 guided by whether the facts of the particular case demonstrate or fail to demonstrate
16 a due process violation. *See, e.g., Kaley v. United States*, 571 U.S. 320, 334 (2014)
17 (declining to “define the respective reach of *Mathews* and *Medina*” because no due
18 process violation would result applying the more exacting *Mathews* test); *Jauch v.*
19 *Choctaw Cnty.*, 874 F.3d 425, 430-33 (5th Cir. 2017) (“Even under the deferential
20 *Medina* test, the indefinite-detention procedure violated [the defendant]’s right to

procedural due process.”); *People v. Deleon*, 2020 IL 124744, ¶¶ 22, 25-26, 35, 181 N.E.3d 172 (applying both *Medina* and *Mathews* to evaluate whether a state rule satisfied due process protections); *State v. Rey*, 905 N.W.2d 490, 494 (Minn. 2018) (explaining that the challenged procedure may have satisfied *Medina* because the defendant “received the full range of procedural protections afforded to all criminal defendants” but reaching the same result by applying *Mathews* as well). We take our cue from our Supreme Court, which has applied *Mathews*, as well as those jurisdictions that have applied *Mathews* because even under that high bar, the challenged procedure did not violate due process.

{6} Our application of *Mathews* is limited, however, because the only question before us is whether the remedy provided by the district court was sufficient to satisfy due process. The parties do not dispute—and we therefore assume, but do not decide—the following: (1) Defendant possesses a substantial constitutional interest in pretrial liberty, including an interest in avoiding “unnecessarily prolonged restrictions on . . . liberty,” see *Aragon*, 2025-NMSC-046, ¶ 36 (describing the first factor); (2) Defendant was prejudiced by the irregular felony first procedure (although the parties dispute the degree of prejudice); and (3) the State “has a strong interest in prosecuting cases for which it has sufficient evidence” and “in detaining defendants it believes to be dangerous.” As a result, the only question before us is the adequacy of the substitute procedures employed by the district court to remedy

1 any risk of erroneous deprivation of Defendant's liberty interest that may have
2 resulted from the indisputably irregular felony first procedure.

3 {7} We calculate the delay that interfered with the felony first procedure as
4 follows. First, the delay in any appearance by Defendant before a court was
5 approximately seven days (ten days total, excluding the three days contemplated by
6 Rule 6-506(A)(2) NMRA). At the first court appearance, Defendant waived a period
7 of ten days. Excluding those ten days, the delay continued for approximately six
8 additional days before the felony first procedures were provided. The parties agree
9 the felony first procedures were untimely and that to remedy any prejudice, the
10 district court (1) provided the required notice and explanation of rights, and (2)
11 denied the State's motion for pretrial detention and released Defendant on strict
12 conditions of release.²

13 {8} Defendant maintains that dismissal was required to remedy the prejudice
14 resulting from the irregular felony first procedure. The State contends that the
15 prejudice was minimal, because Defendant was aware of the rights that must be

²We do not consider whether a pretrial detention motion is appropriately denied as a sanction without analysis of the merits of the motion. The State did not appeal the district court's denial of the pretrial detention motion under Rule 12-204 NMRA, and that issue is not before us. *Cf. State ex rel. Torrez v. Whitaker*, 2018-NMSC-005, ¶ 102, 410 P.3d 201 (“[T]he court must determine whether any pretrial release conditions it could impose will reasonably protect the safety of others, as required by the new standard in Article II, Section 13 of the New Mexico Constitution.” (internal quotation marks and citation omitted)).

1 communicated at a felony first appearance and that regardless, long-term detention
2 was likely to result from the pretrial detention motion heard on the merits. We
3 disagree with the State’s position to the extent that it does not account for the
4 significance of the felony first appearance itself within the procedural due process
5 framework—both to inform a defendant of their rights and to trigger the deadlines
6 that move a criminal proceeding forward—or the minimal burden that compliance
7 with these procedures puts on the state. *See State v. Mares*, 2024-NMSC-002, ¶¶ 20-
8 26, 543 P.3d 1198 (discussing the attachment, informing, and waiving of rights that
9 can occur at a first appearance); *Rothgery v. Gillespie Cnty.*, 554 U.S. 191, 194
10 (2008) (noting “that the right to counsel guaranteed by the Sixth Amendment applies
11 at the first appearance”); *Coleman v. Frantz*, 754 F.2d 719, 724 (7th Cir. 1985)
12 (“Almost every element of a ‘first appearance’ under state statutes or the Federal
13 Rules of Criminal Procedure serves to enforce or give meaning to important
14 individual rights that are either expressly granted in the Constitution or are set forth
15 in Supreme Court precedent.”); Rule 6-501(A) (outlining the notice of rights); Rule
16 5-301(D) (same); Rule 5-301 committee commentary (addressing limitations on the
17 right to counsel and to a preliminary examination); Rule 5-302(A)(1) NMRA
18 (providing that the preliminary hearing deadline is measured from the first
19 appearance); Rule 5-201(C) NMRA (permitting charging by criminal information
20 after a preliminary hearing); Rule 5-303(A) NMRA (measuring the time for

arraignment from the filing of an information or indictment); Rule 5-501(A) (running discovery from arraignment). A delayed or denied first appearance risks a lack of notice of rights, the inability to challenge detention, and stalled activity in the prosecution—all of which could lead to prolonged detention and prejudice. In this way, a delayed or denied first appearance increases the risk of wrongfully depriving a defendant’s liberty interest. *See Aragon*, 2025-NMSC-046, ¶ 41 (observing “there is only a slight burden on” the state “to put in place measures it has already been obligated to follow”).

9} Nevertheless, Defendant’s proposed substitute remedy—dismissal—disregards the need to “take into account competing interests” and to narrowly tailor a constitutional remedy. *See Lopez v. LeMaster*, 2003-NMSC-003, ¶ 21, 133 N.M. 59, 61 P.3d 185. To that end, dismissal would have completely undermined the State’s interest in the prosecution of crime. *See Aragon*, 2025-NMSC-046, ¶ 34 (describing the third *Mathews* factor); *see also State v. Brown*, 1998-NMSC-037, ¶ 66, 126 N.M. 338, 969 P.2d 313 (noting in the constitutional balance “the [s]tate interest in prosecuting crime”). With the State’s interest in mind, dismissal is not a remedy narrowly tailored to any deprivation. Because dismissal would not have achieved the constitutional balance under these circumstances, we disagree with Defendant that dismissal was a required remedy to reduce any risk that the irregular felony first procedure erroneously deprived him of his liberty interest.

1 {10} Absent any appeal by the State about the impact of the district court’s remedy
2 on the State’s interests, the remedy afforded by the district court accounted for both
3 the State’s interests as well as any risk that Defendant’s liberty interest was
4 erroneously deprived. We therefore decline to hold that the district court’s remedy
5 invaded Defendant’s right to due process.

6 **II. Sufficiency of the Evidence**

7 {11} Defendant also challenges the sufficiency of the evidence supporting the
8 jury’s convictions for failing to restrain a child in a motor vehicle, contrary to NMSA
9 1978, Section 66-7-369 (2005), and leaving the scene of an accident (without great
10 bodily harm or death), contrary to NMSA 1978, Section 66-7-201 (1989). To review
11 the sufficiency of the evidence, our inquiry is “whether substantial evidence of either
12 a direct or circumstantial nature exists to support a verdict of guilty beyond a
13 reasonable doubt with respect to every element essential to a conviction.” *See State*
14 *v. Montoya*, 2015-NMSC-010, ¶ 52, 345 P.3d 1056 (internal quotation marks and
15 citation omitted). Our role is to “view the evidence in the light most favorable to the
16 guilty verdict, indulging all reasonable inferences and resolving all conflicts in the
17 evidence in favor of the verdict.” *See id.* (alteration, internal quotation marks, and
18 citation omitted). We address each conviction in turn.

1 **A. The Child Restraint Conviction**

2 {12} In relevant part, the State was required to prove beyond a reasonable doubt
3 that “a passenger less than one year of age was not properly restrained.” See § 66-7-
4 369(A). The parties agreed to include a statutory definition of “properly restrained”
5 in the jury instruction: “[C]hildren less than one year of age shall be properly secured
6 in a rear-facing child passenger restraint device that meets federal standards, in the
7 rear seat of a vehicle that is equipped with a rear seat.” See § 66-7-369(B)(1). On
8 appeal, Defendant argues that the evidence was not sufficient for conviction because
9 (1) lapel footage showed Defendant reporting that the child had been in the rear seat
10 and that after the incident, the child was buckled into an infant carrier; (2) none of
11 the testifying officers conducted an exhaustive search of the vehicle to determine
12 whether there was a car seat base in the van; and (3) another witness who testified
13 about the child’s restraint never saw inside the vehicle. Resolving “all disputed facts
14 in favor of the State,” we disagree. See *State v. Baroz*, 2017-NMSC-030, ¶ 9, 404
15 P.3d 769 (internal quotation marks and citation omitted).

16 {13} Defendant’s argument asks this Court to reject the jury’s reasonable
17 inferences from the evidence. Two officers looked inside Defendant’s van and
18 testified that the van was “full of stuff” and the only uncluttered spot on which a car
19 seat could have been placed was in the front passenger seat. The lapel camera footage
20 supports this testimony. Three officers testified that they looked in the van and saw

1 no car seat base, which one officer described as an object “that goes in the seat—for
2 the car seat to kind of lock into place for the safety of the child.” Another witness
3 testified that Defendant quickly reached into the front passenger side to pull out a
4 carrier before fleeing, and that as a mother, it was her opinion that the child “was not
5 buckled in” because the action was too fast for Defendant to have gone through the
6 “many steps” required to unfasten the carrier in the car seat from its base. The lapel
7 footage on which Defendant relies shows only that the child was buckled into a
8 carrier, after the events unfolded, and does not rebut the evidence that the infant was
9 in the front seat or the reasonable inference that the carrier itself was not locked into
10 a car seat base that was properly secured into the vehicle while it was operated.
11 Defendant points to contrary evidence, but “[c]ontrary evidence supporting acquittal
12 does not provide a basis for reversal because the jury is free to reject Defendant’s
13 version of the facts.” *See Montoya*, 2015-NMSC-010, ¶ 52 (internal quotation marks
14 and citation omitted). Therefore, we conclude that sufficient evidence supports the
15 jury’s child restraint conviction.

16 **B. The Leaving the Scene of an Accident Conviction**

17 {14} Defendant argues on appeal that the State was required to prove that after
18 leaving, Defendant did not intend to return the scene. For support, Defendant relies
19 on *State v. Nieto*, which noted that to convict for leaving the scene as charged in that
20 case, “the jury’s task was to determine whether [the d]efendant had fulfilled the

requirements of the statute or intended to return and fulfill them.” 2023-NMCA-072, ¶ 29, 536 P.3d 534. We observe that this Court’s formulation of the jury’s task in *Nieto* was in response to the defendant’s argument that “he never got far enough away to be convicted for having left the scene of an accident.” *Id.* ¶ 26 (internal quotation marks omitted). Assuming for the purposes of this appeal that the State must prove that a defendant who is running away had no intent to return, which the *Nieto* Court did not decide, the evidence supported the jury’s verdict.

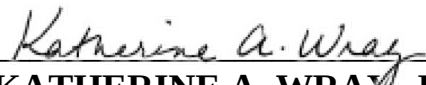
{15} The jury heard evidence from which it could have reasonably inferred that Defendant did not intend to return to the scene. A witness at the scene testified that Defendant “took off running” from the scene of the accident. The first responding officer who caught up with Defendant after he had left the scene testified that Defendant was “in an open field,” which was “quite a distance to have to walk” from the scene of the accident. The officer told Defendant to “come back to me,” and the officer testified that Defendant was “very out of breath.” The jury saw the officer’s lapel camera footage, which showed her running to the field where Defendant was walking on the other side of a barbed wire fence and calling to him, “Hey, stop, sir, stop. Come here.” The jury also saw a different officer’s lapel camera footage, in which Defendant stated, “I stayed walking and I—I heard cops coming, so I jumped the fence.” From this evidence, a reasonable jury could infer that Defendant had left the scene and that he returned because an officer asked him to—not because he

1 intended to do so at the time that he left. Therefore, we conclude that sufficient
2 evidence supports the jury's verdict that Defendant was guilty of leaving the scene
3 of an accident.

4 **CONCLUSION**

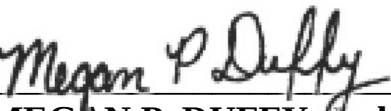
5 {16} For the foregoing reasons, we affirm.

6 {17} **IT IS SO ORDERED.**

7 
8 **KATHERINE A. WRAY, Judge**

9 **WE CONCUR:**

10 
11 **JENNIFER L. ATTREP, Judge**

12 
13 **MEGAN P. DUFFY, Judge**