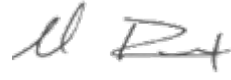


**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO,**

Court of Appeals of New Mexico  
Filed 10/13/2026 11:15 AM

Plaintiff-Appellee,



Mark Reynolds

v.

**No. A-1-CA-42471**

**NATALIE NICOLE SMITH,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF LEA COUNTY**

**Efren A. Cortez, District Court Judge**

Raúl Torrez, Attorney General  
Janet Franklin, Assistant Solicitor General  
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Anne Amicarella, Assistant Appellate Defender  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**DUFFY, Judge.**

{1} Defendant Natalie Nicole Smith appeals her conviction for voluntary manslaughter, contrary to NMSA 1978, Section 30-2-3(A) (1994). Defendant argues that (1) there was insufficient evidence to support her conviction, and (2) she received ineffective assistance of counsel. We affirm Defendant's conviction as

1 supported by sufficient evidence and remand to the district court to hold an  
2 evidentiary hearing on Defendant's claim of ineffective assistance of counsel.

### 3 **DISCUSSION**

#### 4 **I. Sufficiency of the Evidence**

5 {2} "The test for sufficiency of the evidence is whether substantial evidence of  
6 either a direct or circumstantial nature exists to support a verdict of guilt beyond a  
7 reasonable doubt with respect to every element essential to a conviction." *State v.*  
8 *Duran*, 2006-NMSC-035, ¶ 5, 140 N.M. 94, 140 P.3d 515 (internal quotation marks  
9 and citation omitted). "In reviewing the sufficiency of the evidence, we must view  
10 the evidence in the light most favorable to the guilty verdict, indulging all reasonable  
11 inferences and resolving all conflicts in the evidence in favor of the verdict." *State*  
12 *v. Cunningham*, 2000-NMSC-009, ¶ 26, 128 N.M. 711, 998 P.2d 176. "Contrary  
13 evidence supporting acquittal does not provide a basis for reversal because the jury  
14 is free to reject [the d]efendant's version of the facts." *State v. Rojo*, 1999-NMSC-  
15 001, ¶ 19, 126 N.M. 438, 971 P.2d 829.

16 {3} Defendant argues that the State presented insufficient evidence of Defendant's  
17 mens rea to support her guilty verdict. To establish mens rea for voluntary  
18 manslaughter, the State was required to prove that Defendant knew her acts created  
19 a strong probability of death or great bodily harm. *See* UJI 14-221 NMRA.  
20 Defendant contends that the State's evidence failed on this point because the State

1 did not prove that Defendant knew she was holding a knife in her hand when she  
2 struck Victim in the neck.

3 {4} The jury heard the following evidence at trial. Defendant and Victim, who  
4 was a visitor to Defendant's apartment complex, fought several times over the course  
5 of an evening, ending with a brawl during which Defendant stabbed Victim in the  
6 neck. Defendant testified that, before the stabbing, she went to a neighbor's  
7 apartment to borrow a knife to chop vegetables. Defendant recounted that as she was  
8 leaving her neighbor's apartment, knife in hand, Victim attacked her. Defendant  
9 swung at Victim, stabbing her in the neck. Though Defendant testified that she had  
10 forgotten the knife was in her hand when she struck Victim, the jury was free to  
11 reject Defendant's version of the events. *See Rojo*, 1999-NMSC-001, ¶ 19. Instead,  
12 the jury could have reasonably inferred that because Defendant was holding the  
13 knife, she knew the knife was in her hand.

14 {5} The jury also heard testimony from a forensic pathologist that the stab wound  
15 measured seven centimeters in depth and traveled from right to left, front to back,  
16 and downward. The State argued to the jury that the depth and downward trajectory  
17 of the wound was more consistent with a stabbing motion than a punching motion,  
18 suggesting that Defendant intended to use the knife against Victim. Accordingly,  
19 even though Defendant testified to the contrary, a jury could reasonably have  
20 inferred from the fact that Defendant was holding the knife and from the

1 pathologist’s testimony concerning how the knife was used to cause the injury that  
2 Defendant knew she was holding a knife when she struck Victim in the neck, and  
3 therefore, that her acts created a strong probability of death or great bodily harm. We  
4 hold that the State presented sufficient evidence of mens rea to support Defendant’s  
5 conviction.

## 6 **II. Ineffective Assistance of Counsel**

7 {6} We review claims of ineffective assistance of counsel de novo. *State v.*  
8 *Montoya*, 2015-NMSC-010, ¶ 57, 345 P.3d 1056. Typically, the framework set forth  
9 by the United States Supreme Court in *Strickland v. Washington*, 466 U.S. 668  
10 (1984) controls such claims. *State v. Sandoval*, \_\_\_\_-NMCA-\_\_\_\_, ¶ 17, \_\_\_\_ P.3d \_\_\_\_  
11 (A-1-CA-40454, July 13, 2026). To make a prima facie case of ineffective assistance  
12 under *Strickland*, “a criminal defendant must establish that: (1) counsel’s  
13 representation fell below an objective standard of reasonableness, and (2) there is a  
14 reasonable probability that, but for counsel’s unprofessional errors, the result of the  
15 proceeding would have been different.” *Id.* ¶ 18 (internal quotation marks and  
16 citations omitted). “We refer to the prongs of this test as the reasonableness prong  
17 and the prejudice prong.” *State v. Howl*, 2016-NMCA-084, ¶ 10, 381 P.3d 684  
18 (internal quotation marks and citation omitted).

19 {7} “[T]o overcome the strong presumption that counsel acted reasonably, [the  
20 d]efendant must show that the challenged action could not be considered sound trial

1 strategy.” *State v. Miera*, 2018-NMCA-020, ¶ 31, 413 P.3d 491 (internal quotation  
2 marks and citation omitted). “A defense is prejudiced if, as a result of the deficient  
3 performance, there was a reasonable probability that the result of the trial would  
4 have been different.” *State v. Dylan J.*, 2009-NMCA-027, ¶ 38, 145 N.M. 719, 204  
5 P.3d 44 (omission, internal quotation marks, and citation omitted). “A reasonable  
6 probability is one that is sufficient to undermine confidence in the outcome.” *Id.*  
7 (internal quotation marks and citation omitted). When “the record is sufficient to  
8 establish a prima facie case of ineffective assistance of counsel, the appropriate  
9 remedy is a remand to the district court for an evidentiary hearing on the defendant’s  
10 claim.” *Howl*, 2016-NMCA-084, ¶ 26.

11 {8} There are, however, narrow exceptions to the *Strickland* framework, *see*  
12 *Sandoval*, \_\_\_\_-NMCA-\_\_\_\_, ¶ 19, and Defendant asks us to evaluate her ineffective  
13 assistance claim under these exceptions. The United States Supreme Court explained  
14 in *United States v. Cronin*, 466 U.S. 648 (1984), that when circumstances “are so  
15 likely to prejudice the accused that the cost of litigating their effect in a particular  
16 case is unjustified,” prejudice to the defendant can be presumed. *Id.* “The *Cronin*  
17 Court recognized three such circumstances: (1) the complete denial of counsel at a  
18 critical stage of the trial, (2) where counsel entirely fails to subject the prosecution’s  
19 case to meaningful adversarial testing, and (3) where counsel is called upon to render  
20 assistance under circumstances where even competent counsel very likely could

not.” *Sandoval*, \_\_\_-NMCA-\_\_\_, ¶ 19 (alterations, omission, internal quotation marks, and citations omitted). In *State v. Grogan*, the New Mexico Supreme Court held that a presumption of prejudice also applies when the trial court itself “witnesses gross or obvious incompetence” and “inquires into the conduct immediately.” 2007-NMSC-039, ¶ 15, 142 N.M. 107, 163 P.3d 494; *see id.* ¶ 18 (holding that no evidentiary hearing was required because the trial court “specifically and thoroughly discussed defense counsel’s gross ineffectiveness” in findings supporting its order for a new trial).

{9} Defendant argues that prejudice can be presumed under *Cronic* and *Grogan* because defense counsel failed to grasp the elements of voluntary manslaughter and self-defense, and effectively argued his client’s guilt to the jury, thereby becoming a second prosecutor in Defendant’s case. However, defense counsel’s alleged conduct does not amount to the kind of complete failure to test the prosecutor’s case that warrants a presumption of prejudice under *Cronic*. *See Sandoval*, \_\_\_-NMCA-\_\_\_, ¶ 25 (“[A] defense attorney’s alleged incompetence based on a misapprehension of law has been evaluated by New Mexico appellate courts using the *Strickland* framework.”). Neither is Defendant entitled to a presumption of prejudice under *Grogan*. Though the district court inquired into defense counsel’s ineffectiveness on the penultimate day of trial, it did not consider defense counsel’s performance during closing argument—conduct that Defendant and the State characterize as

1 “concerning.” *See Grogan*, 2007-NMSC-039, ¶ 18. Therefore, we evaluate  
2 Defendant’s claim under *Strickland*.

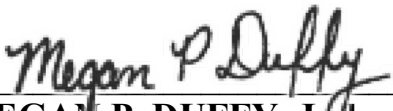
3 {10} Defendant points to the following instances, among others, as evidence of  
4 defense counsel’s alleged ineffectiveness: defense counsel’s (1) failure to review  
5 exhibits and discovery before trial; (2) failure to secure the presence of a critical  
6 witness; (3) failure to object to testimony regarding Defendant’s character and drug  
7 use; (4) failure to remain awake during portions of the trial; and (5) statements to the  
8 jury during closing arguments that undermined his client’s defense. The State agrees  
9 that Defendant’s ineffective assistance claim should be remanded for an evidentiary  
10 hearing. Having reviewed the record and considered the parties’ arguments on this  
11 matter, we agree and hold that Defendant has established a prima facie case of  
12 ineffective assistance of counsel. *See Miera*, 2018-NMCA-020, ¶¶ 32-44  
13 (concluding that the defendant had established a prima facie case of ineffective  
14 assistance where defense counsel failed to apprise himself of relevant law, discover  
15 or inquire into potentially exculpatory evidence, or object to prejudicial and  
16 irrelevant testimony); *see also Dylan J.*, 2009-NMCA-027, ¶¶ 43, 45 (concluding  
17 that the defendant had shown a prima facie case of ineffective assistance where  
18 defense counsel failed to object to prejudicial hearsay testimony, failed to retain a  
19 rebuttal expert, and elicited damaging statements from state’s witnesses).  
20 Accordingly, we remand to the district court for an evidentiary hearing on

1 Defendant's ineffective assistance of counsel claim. We note that the district court  
2 is not limited to consideration of defense counsel's closing argument and may take  
3 into account all instances of deficient performance claimed by Defendant so that the  
4 full effect of defense counsel's actions may be evaluated. *See id.* ¶ 43.

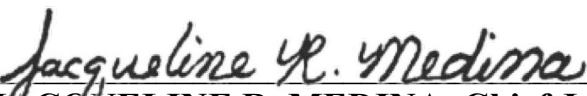
5 **CONCLUSION**

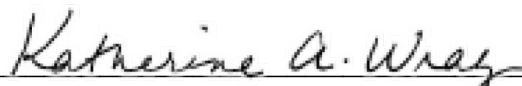
6 {11} We affirm Defendant's conviction as supported by sufficient evidence and  
7 remand to the district court for an evidentiary hearing on Defendant's claim of  
8 ineffective assistance of counsel.<sup>1</sup>

9 {12} **IT IS SO ORDERED.**

10   
11 MEGAN P. DUFFY, Judge

12 **WE CONCUR:**

13   
14 JACQUELINE R. MEDINA, Chief Judge

15   
16 KATHERINE A. WRAY, Judge

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<sup>1</sup>Though Defendant cites to *Miera* and offers a single sentence asserting that defense counsel's combined errors "allow[] for reversal on the basis of cumulative error," unlike in *Miera*, Defendant makes no claim of error apart from defense counsel's alleged deficiencies. *See Miera*, 2018-NMCA-020, ¶ 46 (holding that cumulative error resulted and a new trial was required because prejudicial evidence was erroneously admitted "coupled with the numerous errors by [the d]efendant's counsel"). For these reasons, we do not reach or evaluate this issue separately from Defendant's claim of ineffective assistance.