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Attorney General Balderas Announces Recent High Court Rulings Affirming Convictions of Hobbs Murderer & Roswell Dangerous Repeat Offender

Santa Fe, NM – Attorney General Hector Balderas announced two recent opinions released by the Supreme Court and the Court of Appeals, both agreeing with the Office of the Attorney General’s positions. This week, the Supreme Court issued a decision affirming the first-degree murder conviction of Deandre Gonzales for the May 29, 2014, murder of a sixteen-year-old victim in Hobbs and the Court of Appeals affirmed Arthur J. Mestas’ conviction for burglary and conspiracy to commit burglary at a Roswell Motel 6. According to nmcourts.gov, Mr. Mestas has a lengthy criminal history.

In the *State. v. Deandre Gonzales*, the defendant and the victim were engaged in an altercation outside a music video store where a number of young people had gathered. The fight was filmed on two cell phone videos that were shown to the jury. At the beginning of one of the videos, the defendant is seen handing a gun to his girlfriend, Santana Serrano. After the initial fight between the victim and defendant was broken up, the defendant retrieved the gun from Serrano and shot the victim in the head killing him. The defendant and Serrano then fled the scene and the gun was never recovered.

The Supreme Court rejected Deandre Gonzales’ claim that he did not act with the willful, deliberate, and premeditated intent needed for first-degree murder and held there was overwhelming evidence that the defendant acted with deliberate intent to kill the victim. The Supreme Court also found the trial court acted correctly in denying a self-defense instruction as there was no evidence he acted in self-defense.

“Our office will continue to fight for justice for crime victims and work to ensure the most violent offenders remain incarcerated,” Attorney General Balderas said. “I hope the Supreme Court’s ruling can bring some closure to the family of the teenage victim and to the community of Hobbs.”

In the *State v. Arthur J. Mestas*, the defendant and an unknown accomplice entered the lobby of a Motel 6 in Roswell. Mestas asked the clerk to reset the motel's wireless router and the clerk left his post. Before he left, the clerk locked the door separating his desk area from the motel lobby. The defendant's accomplice then maneuvered his arms and torso into the clerk's area, jimmied the lock on the cash drawer, and stole \$250. Despite arguments that the motel lobby was open to the public, the Court of Appeals found the area that was burglarized was private and subject to protection. The Court of Appeals further held that the clerk's private area was a structure for purposes of the burglary statute.

“This is a significant case because it further defines the nature of commercial burglary in New Mexico which has been the subject of recent litigation in the appellate courts,” said Attorney

General Balderas. “This Court of Appeals opinion reinforces the important concept that private spaces, even if located within public spaces, are subject to protection under New Mexico's burglary statute.”

Assistant Attorney General Tonya Noonan Herring handled the Gonzales case and Assistant Attorney General Ken Stalter handled the Mestas case.

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