

**THIRTEENTH JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANDOVAL**

FILED  
13th JUDICIAL DISTRICT COURT  
Sandoval County  
11/10/2025 12:09 PM  
AUDREY GARCIA  
CLERK OF THE COURT  
Cathy X Guzman

**STATE OF NEW MEXICO,  
Plaintiff,**

**v.**

**D-1329-CR-2023-0365**

**ADRIAN NAVARRO-CALZADILLAS**

**Defendant.**

**ORDER GRANTING DEFENDANT'S MOTION FOR SANCTIONS FOR STATE'S  
FAILURE TO PRESERVE AND COLLECT MATERIAL EVIDENCE**


This matter, having come before the Court on Defendant's Motion for Sanctions for State's Failure to Preserve and Collect Material Evidence, the Court having held two hearings on the matter and having considered the motion, the applicable law, the evidence presented by the parties, and the arguments of counsel, the Court hereby FINDS and ORDERS:-

1. This case presents an unusual set of facts. The underlying allegations are that Defendant sexually assaulted the alleged victim when she was incapacitated due to intoxication. Two urine samples were taken from the alleged victim in the hours after the alleged incident. The second sample, which was taken at the SANE examination and which was the alleged victim's second urination after the alleged incident, was subjected to toxicological testing by the State. The results of this testing indicated that the urine was negative for alcohol and a wide array of drugs. The first sample, which was taken hours earlier at an urgent care, was not subjected to toxicological testing by the State. Contrary to standard operating procedure, the State destroyed these urine samples less than three months after the testing was conducted. The

defense requests that the case be dismissed under *State v. Chouinard*, 1981-NMSC-096, 96 N.M. 658, and *Scoggins v. State*, 1990-NMSC-103, 111 N.M. 122.

2. The State negligently or intentionally destroyed the two urine samples in this case, which it had a duty to preserve.
3. The urine samples were material to the defense, as they would undermine the State's case, given that the paramount issue at trial is likely to be consent and the alleged victim's credibility will be a central issue for the jury.
4. The defense has been prejudiced as a result of the destruction of the urine samples, because they cannot be subjected to additional testing. The only remedy that will effectively cure the prejudice to the defense is dismissal.

WHEREFORE, the Court GRANTS Defendant's motion and ORDERS that this case is hereby DISMISSED WITH PREJUDICE.

  
The Honorable George P. Eichwald  
District Court Judge

Submitted by:

/s/ Christopher A. Dodd

Christopher A. Dodd  
Counsel for Defendant

Approved as to form by:

/s/ Chance Sousa

Chance Sousa  
Counsel for the State