

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

**No. D-1333-PD-2026-0009
Related to: M-61-FR-22026-067**

**STATE OF NEW MEXICO,
Plaintiff,**

v.

**DAVID THOMAS BYINGTON,
Defendant.**

ORDER GRANTING STATE'S MOTION FOR PRETRIAL DETENTION

THIS MATTER came before the Court on the *State's Expedited Motion for Pretrial Detention*, filed April 20, 2026 and heard on April 20, 2026. The Defendant was present and was in custody. The Court having reviewed the pleadings, having heard testimony, and having heard argument of counsel, and otherwise being fully advised hereby **FINDS:**

The Court heard and/or received the following **Facts and Evidence:**

1. The defendant was initially charged with Second Degree Murder, Shooting at or From a Motor Vehicle (Resulting in Great Bodily Harm or Death), Felon in Possession of a Firearm, and Tampering with Evidence.
2. This cases was initially charged by Criminal Complaint.
3. On April 24, 2026 a Grand Jury subsequently indicted the Defendant for Second Degree Murder, Tampering with Evidence, and Assault with Intent to Commit a Violent Felony.
4. At the hearing on this matter, the following witnesses testified:
 - a. Cibola County Sheriff Detective April Salazar.

The Court **conformed to the following law** in making this ruling:

5. Pursuant to Article II, §13 of the New Mexico Constitution, “[b]ail may be denied by a court of record pending trial for a defendant charged with a felony if the prosecuting authority requests a hearing and proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community.”
6. The State has the burden to prove, by clear and convincing evidence, Defendant poses a threat to others or the community *and* that no release conditions will reasonably protect the safety of any other person or the community. NMRA Rule 5-409, *also see State v. Ferry*, 2018-NMSC-004, ¶ 6, 409 P.3d 918, 921.
7. The State’s burden of clear and convincing evidence is much higher than the evidence needed to establish probable cause and is the exact same burden the State has to prevail in terminating a person’s parental rights. *In re Termination of Parental Rights of Eventyr J.*, 1995-NMCA-087, ¶ 2, 120 N.M. 463, 466, 902 P.2d 1066, 1069.
8. “For evidence to be clear and convincing, it must instantly tilt the scales in the affirmative when weighed against the evidence in opposition and the fact finder’s mind is left with an abiding conviction that the evidence is true.” *In re Adoption of Doe*, 1984-NMSC-024, ¶ 9, 100 N.M. 764, 767, 676 P.2d 1329, 1332 (citation omitted).
9. Rule 5-409(F)(6) states plainly that the district court “shall consider *any fact* relevant to the nature and seriousness of the danger to any person or the community that would be posed by the defenant’s release and any fact relevant to the issue of whether any conditions of release will reasonably protect the safety of any person or the community.” Rule 5-409(F)(6) sets forth a nonexhaustive list of factors that the district court must

consider, at a minimum, in making the determination:

- a. the nature and circumstances of the offense charged, including whether the offense is a crime of violence;
- b. the weight of the evidence;
- c. the history and characteristics of the defendant;
- d. the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release;
- e. any facts tending to indicate that the defendant may or may not commit a new crime if released;
- f. whether the defendant has been ordered detained under Article II, Section 13 of the New Mexico Constitution based on a finding of dangerousness in another pending case or was order detained on a finding of dangerousness in any prior case; and
- g. any available results of pretrial risk assessment instrument approved by the Supreme Court for use in the jurisdiction, provided that the court shall not defer to the recommendation in the instrument, but shall make an independent determination of dangerousness and community safety based on all information available at the hearing.

No single factor is dispositive; instead, the district court must consider the totality of the circumstances in reaching a decision on pretrial detention. This applies both to the finding of dangerousness and whether defendant may be released. Like the first prong of the analysis where the Court considers dangerousness the State has the burdern of proof,

by clear and convincing evidence, that no release conditions can reasonably protect the public, not that no release condition can possibly protect the public. *State v. Anderson, 2023-NMSC-019, 536 P.3d 435*).

10. In determining Defendant's dangerousness, the Court may consider the Defendant's "prior conduct, charged or uncharged," as well as the "particular facts and circumstances in currently charged cases[.]" *State ex re. Torrez v. Whitaker, 2018-NMSC-005, ¶ 101, 401 P.3d 201, 218; also see Ferry, 2018-NMSC-004, ¶ 6, 409 P.3d 918, 921.*
11. In determining whether any conditions will reasonably protect the safety of any other person or the community, the Court may consider whether Defendant "engaged in dangerous behavior while on supervised release or has refused to follow court-ordered conditions of release in the past." *Whitaker, 2018-NMSC-005, ¶¶ 102-103, 401 P.3d 201, 218, also see State v. Groves, 2018-NMSC-006, ¶¶ 37-38, 410 P.3d 193, 199.*
12. The Court does not automatically consider any one factor to be dispositive. *See Whitaker, 2018-NMSC-005, ¶ 101* ("Detention decisions... should not be based categorically on the statutory classification and punishability of the charged offense."); *Ferry, 2018-NMSC-004, ¶ 7* ("We emphasize that the litigants and the court must not automatically consider any one factor to be dispositive in pretrial detention hearings.").

The Court finds the following information to be credible and reliable in support of its conclusion regarding whether to hold Defendant without bail pending trial.

Cibola County Sherive Detective April Salazar stated that she was assigned to investigate this case. She stated that on April 18, 2026 she was dispatched to the area of Candy Kitchen in Cibola County. She was briefed by various Cibola County Deputies who

were at the scene of a shooting prior to her arrival. The Deputies stated that an individual was shot in the chest and subsequently died as a result of the shooting. The decedent was Mr. Lucas Knapp. In speaking with the Deputies the incident occurred at 74 Running Bear Road in Candy Kitchen. In conducting the investigation it was determined that Mr. Lucas Knapp and Mr. Benjamin Sorenson were at this address when the Defendant approached them and an argument ensued. Apparently, the dispute centered around whether Mr. Knapp and Mr. Sorenson were supposed to be at this property. The Defendant pulled a .223 caliber rifle and shot Mr. Knapp and shot at Mr. Sorenson. Mr. Sorenson was not injured.

A few days later the Defendant contacted the Cibola County Sheriff's Office and arranged to turn himself in. After being mirandized, he stated that he was in charge of taking care of the property at 74 Running Bear Road and that Mr. Knapp and Mr. Sorenson were not supposed to be there. He stated that he approached them, and argument ensued, and he shot Mr. Knapp. He stated he told his wife, who was with him when the incident occurred, to dispose of rifle.

In discussing alternatives to pretrial detention, Defendant stated that he lived in Candy Kitchen and had no other place to reside pending trial.

The State argued that the defendant would pose a danger to the community or individuals if released and no conditions of release would keep the community or individuals safe.

THE COURT FINDS THAT:

A Grand Jury has indicted the Defendant as stated above.

The nature and circumstances of the offense charged, including the violence of the crime, weigh heavily against the defendant and considering the totality of the circumstances and


considering all factors outlined in Rule 5-409(F)(6) the State has proved by clear and convincing evidence that no release conditions can reasonably protect the public or individuals.

IT IS THEREFORE ORDERED THAT:

1. The States Motion for Pretrial Detention is granted and defendant is to be held without bond until trial.

2. Pursuant to NMRA 5-409(C), the Magistrate Court shall close Case Number M-61-FR-2026-0066.

SO ORDERED



GEORGE P. EICHWALD
District Court Judge