

Opinion No. 21-3075

August 4, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Hon. Merritt C. Mechem, Governor of New Mexico, Santa Fe, New Mexico.

Power of Governor to Reprieve for Indefinite Period.

OPINION

{*80} Referring to your inquiry concerning the legal right of the Governor to reprieve for an indefinite period a person confined in the State Penitentiary, convicted of first degree murder, I wish to advise:

The word "reprieve" is defined in most of the law dictionaries and in several cases as "a postponement of the execution of the sentence to a day certain." There is a distinction between reprieves and suspensions of sentences. Blackstone defines a reprieve to mean "a withdrawing of a sentence for an interval of time whereby the execution is suspended." (4 Com. 394).

The distinction between a reprieve and a suspension of sentence is that a reprieve postpones the execution of the sentence to a day certain, whereas a suspension is for an indefinite time.

Carnal vs. People,

1 Park. Cr. Repts, 262.

You will note, therefore, that legally a prisoner sentenced to death cannot be reprieved for an indefinite period.