

ADA ELLIOTT ON PENALTIES

ATTEMPT TO COMMIT A FELONY (NMSA 1978, Section 30-28-1)

Penalty of Crime Attempted

Capital or First Degree
Second Degree
Third Degree
Fourth Degree

Penalty for Attempt

Second Degree
Third Degree
Fourth Degree
MISDEMEANOR

There is no crime of attempt to commit a misdemeanor.

CONSPIRACY (NMSA 1978, Section 30-28-2)

Penalty of Crime Conspired to

Capital or First Degree
Second Degree
Third Degree
Fourth Degree

Penalty for Conspiracy

Second Degree
Third Degree
Fourth Degree
FOURTH DEGREE

There is no crime of conspiracy to commit a misdemeanor.

This may be helpful for you . . . note the difference in penalties between Attempt to Commit a Felony and Conspiracy.

For example, the penalty for CONSPIRACY TO COMMIT A FOURTH DEGREE FELONY is a fourth degree felony. The penalty for ATTEMPT TO COMMIT A FOURTH DEGREE FELONY, on the other hand, is only a misdemeanor.

