



Bennett J. Baur
Chief Public Defender

Monday, August 24, 2020

For immediate release

CONTACT
PIO Maggie Shepard
(505) 690-4529

State Public Defender supports class action lawsuit calling for immediate coronavirus safety in prisons

SANTA FE, NM — The New Mexico Law Offices of the Public Defender strongly supports the pro bono lawsuit filed this morning by local and international law firms on behalf of people incarcerated in state prisons. The suit seeks to improve prison coronavirus safety measures as soon as possible to prevent further deaths of inmates and community spread. It does not seek monetary damages.

“A huge number of incarcerated New Mexicans are current or former LOPD clients. When we as a community incarcerate people, we have a legal and ethical obligation for their health and welfare. On behalf of all incarcerated New Mexicans and their families, we are in full support of legal action that might make them safer during this very challenging time,” Chief Public Defender Bennett Baur said.

LOPD joined the American Civil Liberties Union of New Mexico and New Mexico Criminal Defense Lawyers Association in April in an emergency petition to the New Mexico Supreme Court similarly seeking to protect individuals held in Department of Corrections’ custody from coronavirus. That suit sought to facilitate adequate social distancing and management of the coronavirus inside all state facilities by safely reducing inmate populations. The Supreme Court denied that petition for failing to establish a constitutional violation.

“Very early in the pandemic we understood the risk of an outbreak in New Mexico prisons. Believing it an emergency, we tried to convince the Supreme Court that the Corrections Department needed to do more to protect people. It is gratifying to see that an international firm has taken notice of the situation in New Mexico and dedicated valuable attorney time and resources to further the cause in ways we simply couldn’t, all pro bono with no money damages in return. It’s really quite remarkable,” said LOPD Appellate Defender Kim Chavez-Cook.

A copy of the lawsuit is here:

https://www.aclu-nm.org/sites/default/files/field_documents/covid_class_action_complaint.pdf

###

For more information, contact LOPD PIO Maggie Shepard (505) 690-4529.