

THE DEFENDER

*Monthly newsletter of the
New Mexico Law Offices of the Public Defender*



Message from the Chief



Hello LOPD colleagues! I'm very excited to be able to premier our very own LOPD monthly newsletter. I have been the Chief Public Defender for three years, and one of the constant, justified comments I have heard as I've travelled the state is that people want to know more about what's going on in their office, in LOPD, with our contract counsel, and in the areas of criminal justice law and reform efforts. The establishment of this newsletter is a major step forward to answer your requests.

Our new Communication Specialist, Maggie Shepard, comes to us with a wealth of experience in journalism and with an interest in furthering our mission to improve the lives of our clients and the criminal justice system.

See page 6 for more

DAs push for easier detention

Prosecutors from around the state in May announced they will seek to make it easier for them to keep defendants held in jail pending trial.

Their hope, announced at a press conference by 2nd DA Raúl Torrez and 5th DA Dianna Luce, is for the passage of another constitutional amendment.

They seek changes that allow for a rebuttable presumption of detention for a long list of charges.

LOPD and the NMCCLA responded publicly to the announcement and continue engaging in the conversation about the proposed changes.

What's going on here?

It's a fancy newsletter for all things LOPD!

One of these newsletters should land in your email once a month, likely at the very end/very beginning.

While I'll be compiling and writing it, this is ultimately your newsletter. That means I need your help in filling it with goings-on from your part of the state. Email me, text me, call me with news to include. Let me know what's working, what you hate, etc.

Each issue will feature a message from the Chief, a little feature on someone or an LOPD department, and any noteworthy legal or LOPD developments.

See page 6 for more

LOPD hosts Metro Homeless Court outreach summit



Asst. PD Alexandria Allen, whose duties including representing clients in Homeless Court, helped the Albuquerque office host the May 3 homeless services provider summit. Providers are now able to refer their clients to the court. It is hoped this will increase participation and success.

Steve Binder, founder of the nation's first homeless court and special advisor for the ABA's Commission on Homelessness and Poverty, addresses more than 50 summit attendees learning how to connect homeless people with the program. "The packed room of people who attended the training hosted by Judge Dominguez (front row right) at the Public Defender office illustrates their dedication in developing an Outreach Court that promotes public safety through rehabilitation, reconciliation, and restorative justice," he said.

Free wellness classes

May: Prioritizing wellbeing, May 21

June: Mindfulness and focus, June 18th

Visit: www.solutionbiz.com

Password: phs

Brought to you by your Employee Assistance Program. Class remain open after launch date.

Nansi for the win

'Masterpiece' a victory for appeals

Nansi Singh, assistant trial attorney in the 12th District, has won what District Defender Matt Chavez called a "war" for "the right to a jury on de novo appeal from the Mag. Court to District Court."

It's a win, he said, for the accused across the state battling their cases in rural magistrate courts.

"Nansi's motion is a scholarly masterpiece, tracing the right from the Kearny Code of 1846 through very recent case law reaffirming the fundamental nature of the right. It's a great read," Chavez said.

Chief Ben Baur said the win should change how DAs approach charging.

"It changes the rules of the game going forward," Baur said.



Nansi Singh



Las Cruces office relocating



Lisa Robles, clerk for the Las Cruces office, poses in the front desk area at the Las Cruces office. Lisa greets clients and handles phone calls, among other duties. The move is not stealing her smile.



Las Cruces District Defender Kris Knutson, right, consults with the movers hired to help with the process as they assess the office. Here they are realizing the cubicles might not be as easy to move and reassemble as they had hoped.

The Las Cruces office is on the verge of moving to a new space, one that Deputy Chief Jennifer Birmingham hopes will "promote togetherness" for everyone in the office.

Come June 27, the office should be settled in the former Las Cruces mall space right across the street from the old office and everybody is on one floor instead of two.

"It's really comfortable. ... There is a fountain. It's a really nice space," Birmingham said. It's also "a constant temperature," Birmingham said.

And while the move is stressful, Birmingham says the office is "doing really good. Everyone seems to be calm."

New address:
505 S. Main St. Ste. 121
Las Cruces, NM 88001
PHONE NUMBERS/EXTENSIONS
WILL REMAIN THE SAME

Raymond Maestas named top attorney



Charles Driscoll

LOPD's own Raymond Maestas has been named the most outstanding defense attorney in the state, receiving the 2019 Charles Driscoll Award from the NM Criminal Defense Lawyers Association.

Upcoming events

🔧 June 5-6 LOPD ANNUAL CONFERENCE in Albuquerque

🔧 June 5 Commissioner Naomi Salazar hosting an LOPD staff roundtable on Zoom from 9-10:45 a.m. and in-person meeting in Abq on the 17th floor from 10:45 a.m.-12:30 p.m.

🔧 June 7: Free food, drinks, door prizes, games at the NM State Bar's Inaugural Member Appreciation Day at the State Bar Center in Albuquerque with free ethics CLE from 2-4 p.m. followed by reception from 4-6 p.m. Visit the Bar Association website for more info.

🔧 June 7: Following the NMCDLA's "Litigating in the 21st Century" event at the Greater Albuquerque Association of Realtors building in Albuquerque, the group will be hosting a members, friends and family party, including an auction. Visit the NMCDLA website for more info.

🔧 June 19 Penitentiary of NM Minimum Restrict Unit presentation and luncheon 11 a.m.-3:30 p.m. regarding community alliance building as the unit transitions to focusing more on "re-entry of returning citizens." RSVP by June 10 to Kevin Everett at kevin.everett@state.nm.us or (505) 827-8829

Team changes

🔧 NEW HIRES since Jan. 1
Angela Swenson, PD
Ashleigh Steele, paralegal
Gloria McIntyre, secretary
Ruslan Ivanvo, PD
Mikki Garneenez, investigator
Luz Valverde, PD
Kristopher Krawic, secretary
Pedro Herrera, investigator
Ulysses Grajeda, paralegal
Jessica Franklin, senior secretary
Martha Brownlee, senior secretary
Marie Tapia, financial specialist
Maggie Shepard, comm. specialist
Doreen Ortiz, paralegal
Patricia Mata, secretary
Richard Luman, investigator
Deborah Varol, PD
Victor Sanchez, PD
Jacob Ort, PD
Dorella Molina, CFO
Kimberly Knox, PD
Rachel Thompson, PD
Ozz Snoddy, financial specialist
Jonathan Nyce, investigator
Ashley Lambert, PD
Susan Garcia, senior HR admin
Shelby Braziel, senior secretary
James Murray, PD
Brenda Franco, legal associate
Rebekka Kincaid, secretary
Ramon Garcia, PD
Justin Young, PD
Elvina Meyer, PD
Lisa Hamer, PD
Adrienne Turner, General Counsel

Tidbits & things

🔧 The recent announcement that the state's HR functions will be **unconsolidated** will not affect LOPD as our HR functions were not affected by the 2018 consolidation.

🔧 We got raises! All eligible career/non-probationary employees will see a pay increase starting on their Aug. 3 paycheck.

Chief Ben Baur "determined that eligible employees will receive the full 2% compensation package, plus the full additional 4.5% targeted increase described in this year's General Appropriations Act."

"Thank you for your work and for your continued dedication to our clients," he said.



Metro Court

From LOPD to the Bench

Longtime public defender Brittany Maldonado Malott was in February appointed to the bench in Metro Court by Gov. Michelle Lujan Grisham.

Brittany started with LOPD in 2012 (before she even graduated from law school).

"This (was) a huge loss for LOPD, but a tremendous gain for the bench and NM," Deputy Chief Public Defender Cydni Sanchez said.

LOPD wins in predicate felony case

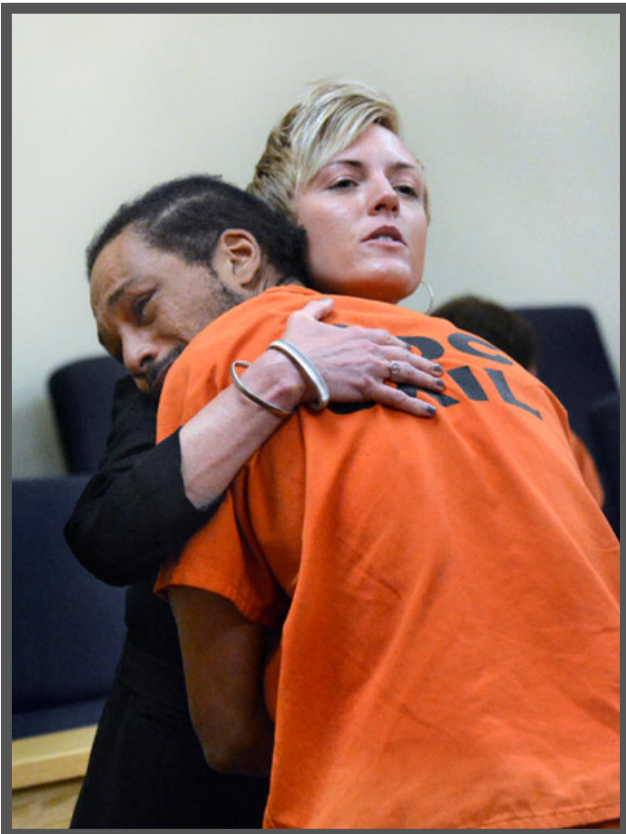
When a person is shooting at a group of people who happen to be in front of a home, can you say the person is shooting at the dwelling?

A recent LOPD win at the NM Supreme Court in *State v. Comitz*, a first-degree felony-murder with a predicate felony of shooting at an occupied dwelling, means the answer isn't always yes.

The Court held the state did not prove the required connection between the defendant's shooting and the dwelling itself.

"Based on that, the Court found insufficient evidence of the predicate felony and therefore felony murder. The result is the client will serve 15 years for second-degree murder instead of a life sentence," Assistant Appellate Defender Allison Jaramillo said. "It is a big win."

Mary Barket, the assistant appellate defender who handled the case, said "there are some double jeopardy issues and they did affirm some of his other convictions, so his sentence could still exceed 15 years."



Moses Johnson, who is charged with child abuse resulting in death, is comforted by LOPD social worker Megan Leschak. Second District Judge Nan Nash denied the prosecution's request to keep Johnson in jail pending trial. (Albuquerque Journal)

New laws mean no PD

Later this year, our and the state's success in decriminalizing possession of small amounts of marijuana and paraphernalia along with some suspended driver's license offenses, will mean those cases will no longer qualify for public defender representation.

The charges will result in no more than a \$50 civil state fine, and since the state constitution requires PDs only in cases in which people face jail time, LOPD and its contractors will not be representing people facing only these charges.

But this change has raised concerns about potential collateral consequences, including a guilty plea's impact on a defendant's immigration status or qualification for financial aid or social safety net programs.

LOPD General Counsel Adrienne Turner said she and others are working on addressing the concerns and are gathering information from immigration experts and others.



LOPD's leadership and Metro Court attorneys were among about 60 people gathered outside Metro Court Tuesday, May 21, in protest against ICE enforcement inside courthouses. Chief Public Defender Ben Baur and Metro Supervisor Andrew Magida, pictured here describing an ICE arrest he witnessed in Metro Court, spoke at the event organized by the New Mexico Faith Coalition for Immigrant Justice. The NM Supreme Court recently denied a petition from advocacy groups and hundreds of attorneys from around the state seeking intervention against ICE activity inside courthouses.

Chief's message

Through The Defender, we will keep you updated on what people are doing and where they are going, and on changes in state laws and procedures which will affect you as you do your work. I hope this will help you, and I hope that you will accept Maggie's invitation to communicate with her, so that we can better communicate with you all. So, here's to a new start for LOPD. Thank you all for the work you do. Though prosecutors represent "The State," public defenders truly represent The People of New Mexico.

Newsletter news

We will use this newsletter to welcome new employees and celebrate those who've dedicated so much here. We'll be noting achievements, like Brittany Maldonado Malott's in this issue. And we will try to track events and little news happenings.

I believe that communication builds community, and good communication builds better community. In the public defense world, so battle-hardened and stressed out, it is my hope that this little monthly newsletter will count as good communication.

My contact info is in the box below. Please don't be shy to reach out.

-- Maggie Shepard

To contribute, correct, compliment or criticize newsletter content or to talk to LOPD Communication Specialist Maggie Shepard, contact her at maggie.shepard@lopdm.us or (505) 690-4529. All newsletter content is compiled by Maggie Shepard and approved by LOPD leadership.