



APR/MAY 2002

IN THIS ISSUE:

1 **Community
Conversations**

2 **Court
Observations**

**Outline Of A DWI
Case**

3 **The Undefended
Victim**

**Victim Support
Resources**

**DWI Victim
Impact Panel**

4 **Outline Of A DWI
Case**

**Be A DWI
Supporter**



Mother's Day
May 12

OPEN INVITATION TO ALL DWI VICTIMS

Please mark your calendars and plan to attend and discuss your experience, problems encountered and ideas for changes

Community Conversations DWI Victims and the Courts

**Thursday April 25, 2002
6:30 PM - 8:30 PM**

**TVI Smith Brasher Hall
Room 100 (Auditorium)**

717 University Blvd. SE (South West Corner of University & Coal)

We all know in the abstract that driving under the influence of alcohol or drugs is a major social problem. However, until the victim is someone we know, we may not share the outrage that victims do. We should. There is no room for complacency.

Show your support by attending and participating in the Conversation

Discussion will be with victims and survivors of DWI Crashes, victim's advocates, judges, prosecutors, and police. Support the Victims and Survivors, understand the problems and advocate for solutions to stop re-victimization.

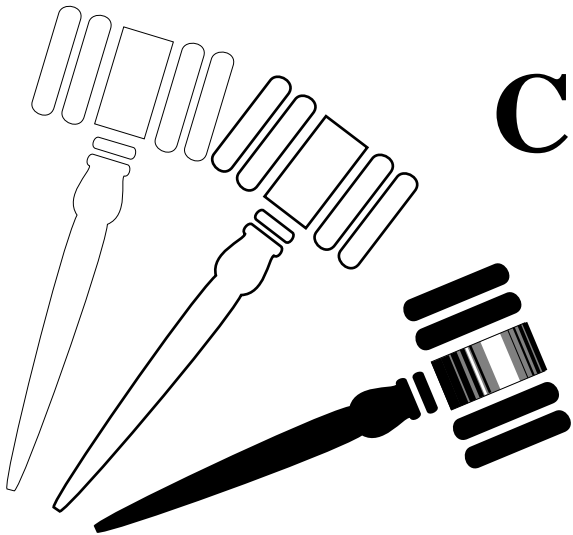
Refreshments will be served

Sponsored by: The Allstate Foundation
The DWI Resource Center
TVI Community College - Service Learning Division

Note to Readers: MADD will hold their annual Candlelight Vigil on April 27, 2002. Please call 255-2955 for more information.

This newsletter funded in part by the New Mexico Crime Victims Reparations Commission with funds from the Office for Victims of Crime, U. S. Department of Justice

Court Observations



JUSTICE?

COURT DATE: February 27, 2002

DATE OF ARREST/CRASH: September 22, 2001

BLOOD ALCOHOL CONTENT (BAC): N/A

VICTIM: No injuries, vehicle was totaled.

CHARGES: Aggravated DWI 1st, driving on a revoked license, no insurance, failure to yield.

RESULTS: Case was dismissed! Offender found to be incompetent to stand trial! All charges dismissed.

COMMENTS: After getting this case, we checked the offender's prior record. He had another pending DWI in Metro court plus a pending felony child abuse case. We attended several competency hearings on behalf of the victim. It took three hearing settings from 11-18-01, 01-30-02, and 2-27-02 before the evaluation on this offender was completed and reviewed. Victim was notified that this case was dismissed. Even though the offender was found to be incompetent, he still has his NM drivers' license.

— Joan Fleetwood, Victim Advocate



Memorial Day
May 27

Outline of DWI a Case From Time of Crash to Sentencing

A Case Study

- Offender: Antonio Vasquez
- Date of Crash: 10-14-00
- BAC: .14
- Case #: CR2001-00083
- Prosecutor: Rich Watts
- Judge: Angela Jewell. Later changed to Neil Candelaria.

- Charges: 1 count Great Bodily Injury by vehicle, Reckless driving, Aggravated DWI 3rd. Open container of alcohol, no drivers license.
- Priors: 3 prior provable DWI convictions.

Jan 10, 2001 Grand Jury indicted on above charges, bench warrant issued, offender FTA.

Mar 1 Arrested by APD on bench warrant issued 1-10-01.

Mar 3 Bench warrant quashed.

Mar 9 Posted bond of \$30,000.00 (paid 3,000).

Oct 13 1st Trial setting.

Oct 19 Meeting with Prosecutor and victims on possible plea. State will dismiss Great Bodily Injury if offender pleads guilty to no drivers license, reckless driving, Aggravated DWI 3rd offense.

Nov 5 Plea entered.

Nov 6 Victims advocate researched and found three provable priors (not just 2) and found an outstanding bench warrant on Vasquez for failing to appear in Metro Court on October 22, 2001 Domestic Violence charges. Advocate contacted Prosecutor to inform of the three priors and the outstanding bench warrant. Requested he amend the plea agreement and charge appropriate 4th offense DWI – which would make it felony. (We felt it quite appropriate since he almost killed one of the victims and there were three provable priors). Victims wanted the plea offer changed to reflect correct number of priors. Prosecutor refused to change the plea.

Continued on page 4

The Undefended Victim

For Me, no gavel hammers.
 The scales were never weighed.
 My crime was that of "Victim"
 MY LIFE, the price I paid.
 And when my life was taken...
 Why were MY "rights" not read?
 And the statement "Overruled"
 When they pronounced me DEAD!
 No lawyer to call on me,
 To take the witness stand.
 My fate was decided when...
 Left in the DWI offenders' hand.
 Yet, NOW the courtroom's crowded,
 A lawyer pleads His case...
 And the glimmer of a tear,
 Creeps down his 'sober' face.
 OH, that I could take the stand...
 They'd witness my LAST BREATH.
 and they could see the TERROR,
 I went through facing DEATH,
 But they missed My "Pleading" "Cries."
 The look upon my face.
 The scales have not yet been,
 "Balanced" in this case !
 If I could tell the jury,
 Exactly how it was,
 the Fear and Pain I went through
 Struck down without a cause.
 Can the jury weigh it all...
 Now listening to his pleas?
 The only emotion now...
 His hopes of going free.
 The final verdict now is in
 The defendant...in tears.
 If only I'd done so well !
 Given 3 years.

Author: Anonymous

VICTIM SUPPORT RESOURCES

Bereaved Parents Support Group: 842-8800

**Bereaved Support Group for Young Widowed
 (55 & younger):** 842-880

**Bereaved Support Group for Older Widowed
 (55 & older):** 268-7727

Brain Injury Association of New Mexico: 292-7414 or
 (888) 292-7415

Brain Injury Survivors Support Group: 727-4700 or
 292-7414

Brain Injury Support Group: 344-9478

The Compassionate Friends: For parents whose children,
 of any age, have died. Sibling group meets at the same
 time. Call Barbara Koenig 344-5564 for more information.

The DWI Resource Center: Support and information on
 criminal justice system to DWI victims and survivors. 881-
 1084

Grief Services Program of New Mexico: Provides a
 support group for people who have experienced a "trau-
 matic death". Call Gloria Vigil @ 272-2485

Mothers Against Drunk Driving: Support group for
 victims and family members who have lost someone or
 survived great bodily injury from a drunk driver. Call 255-
 2955 for more information.

Steps in Grief Recovery

- Shock and Numbness
 - Denial and Withdrawal
 - Acknowledgement and Pain
 - Adapting and Renewal
-

*Learn to write your hurts in sand. Learn to carve your
 blessings in stone! — Anonymous*

DWI Victim Impact Panel

Every second Tuesday of the Month
 May 14 and June 11, 2002
 7 PM - 8:30 PM
 5400 Gibson SE
 Lovelace Education Building

Continued from page 2

- Jan 8, 2002 Advocate contacted the person compiling the pre-sentence report to make sure she had the information on priors and the outstanding bench warrant.(This was the prosecutors suggestion).
- Jan 11 Advocate contacted the prosecutor (left message) to once again request changing the plea offer.
- Jan 14 Advocate contacted the prosecutor again (left message), pointing out the plea as written allowed the prosecution to change the plea agreement.
- Jan 15 Advocate contacted prosecutor again(left message). Never returned any of these calls.
- Jan 15 Advocate contacted Kari Brandenburg (had spoken to Kari about this case on November 14, 2002 as well), relayed the victims desire to have the plea changed to reflect correct number of priors. She discussed case with the prosecutor and spoke with advocate explaining the plea would not be changed. Said Vasquez already has a felony status on other charges, he already lost his privilege to vote. Said he would get more jail time on this plea than a felony DWI with other charges dismissed. Relayed this information to the victims.
- Jan 18 Sentencing @ 1:30 pm, defense continued, attorney sick.
- Jan 22 Victims met with Prosecutor.
- Feb 24 Advocate had been told the sentencing date of 2/28/02 was going to be continued as well.
- Feb 25 Sentencing @ 8:30 am. Victims provided written and oral impact statements. Sentence: 1 year jail, \$1,000 fine, attend Victim Impact Panel, no driving without a valid drivers license, don't go into bars, no alcohol, \$15.00 per month probation fee waived and pay restitution(medical bills) to victims.

We found out just minutes before sentencing, that Vasquez has been helping the FBI on a murder case in Farmington and that prosecutor wrote a letter, asking for a light sentence. We suspect the reason the prosecutor did not re-file as a felony was because of his cooperation in the murder case. Vasquez wanted to get things in order before going to jail (he lives in Texas) but Judge Candelaria had him handcuffed and taken to BCDC to start his jail sentence.

Apr 11 Hearing to reconsider the sentence (requested by defense).

Crash Summary

The two victims (a brother and a sister) were stopped at a light on Juan Tabo and Copper when Mr. Vasquez slammed into the rear of their car. He (Vasquez) was complaining of injuries, so no field sobriety tests were done. He was transported to University Hospital, where he refused to have his blood drawn. Doctors informed officer that the sister was critical. A search warrant was obtained and authorized by Judge Blackmer to obtain a blood alcohol test. Test results were .14, this was several hours after the crash. Mr. Vasquez was released from University Hospital that night.

What we need is more people who specialize in the impossible. — Theodore Roethke



Come Join Our Team!



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