DUI arrests and convictions are down. Alcohol-related crashes are up. So is the number of people killed by drunken drivers. What happened to New Mexico’s crusade to stop drunken driving? We fell asleep at the wheel.
The human toll drunken driving inflicts on our state is mind-numbing. The statistics you will read in this special report make that clear, and I won’t repeat them here. Suffice it to say it is a problem that we grow hardened to and often ignore, perhaps because it seems so big and virtually impossible to solve. Avoidance is our defense mechanism.

Then, a particularly tragic DWI incident generates banner headlines that no one can ignore. When a drunk driving the wrong way on the interstate kills four people, we all feel threatened. It could have been us.

In fact, it could be us almost any time we get into a vehicle.

My 17-year-old son has been arrested twice on drunken driving charges. He is one of hundreds of juveniles picked up every year for DWI. His second arrest, which occurred early this year, came after he lost control of the car he was driving and hit a utility pole. He was lucky to walk away. And even luckier no one else was hurt. The people you will read about in this special report weren’t that lucky.

The court allowed my son to enter a treatment program that involved therapy and wilderness living under extreme conditions. He suffered a serious injury while in the program and is recuperating. His case is pending until he completes the program, which he intends to do. Parents of teen-agers from every walk of life can be confronted with DWI and the problems it brings.

This special report tells the DWI story from the perspective of people closest to the problem: victims, cops, survivors, grieving loved ones and drunken drivers themselves.

Investigative reporter Thomas J. Cole analyzed hundreds of DWI cases statewide; Leslie Linthicum introduces you to the people affected by DWI. And she takes you through 72 hours of drunken driving and its fallout — from the street to the emergency room to an autopsy.

We have compiled their work, and that of photographers Rose Palmisano and Josh Stephen-son, into a single section in hopes it will be used by elected officials, advocates, teachers, police and everyday citizens in the fight against DWI.

As this special report makes clear, we can do better. We should do better.

If you would like extra copies of this special report, please contact the Albuquerque Publishing Company library at 823-3490.

T.H. Lang
Publisher

How This Project Was Reported

The Journal began working on this project last year.

Thomas J. Cole
Investigative reporter Thomas J. Cole interviewed judges, police, prosecutors, government officials, drivers, victims and activists in the fight against DWI. He spent time in courtrooms watching sentencing of DWI offenders and rode shotgun with police on patrols for drunken drivers.

Cole obtained and analyzed state databases containing hundreds of thousands of DWI arrests and alcohol-related accidents. He also inspected DWI cases across the state.

Cole, 47, has been a reporter for the Journal for 10 years.

Leslie Linthicum
Journal reporter Leslie Linthicum spent two months profiling people whose lives have been affected by DWI — people injured in drunken driving accidents, survivors of those killed by drunken drivers, people who have dedicated their careers to the fight against drunken driving and drunken drivers themselves.

In late March, Linthicum spent one 72-hour period compiling a chronological report on DWI in our state.

Linthicum, 44, has been a reporter for the Journal for 13 years.

Linthicum and Cole last worked together on the “Betrayal of Trust” series about treatment of children with leukemia at the University of New Mexico.

Photographers
Journal photographer Rose Palmisano shot many of the photographs for this series. Palmisano, 49, has been with the Journal for 11 years.

Staff photographer Josh Stephenson and free-lance photographer Pat Vasquez-Cunningham also contributed to this project.

To Our Readers

The ground near a cross on U.S. 84/285 just north of Santa Fe is littered with liquor and beer bottles thrown by passing motorists. The cross is a memorial to a drunken driver who was killed. In the photo above is another memorial at the same site, but dedicated to his victim.

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72 Hours of Drunken Driving
A chronicle of three days of drunken driving in New Mexico — and three fatalities.

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The number of alcohol-related deaths rises as DWI arrests fall.

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Stories of the people killed and injured by drunken drivers, reformed drunken drivers and people who have made DWI their life’s work.

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The policy of tougher penalties for repeat DWI offenders is often not the practice.

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Stopping Those Who Start Young
Juvenile DWI offenders rarely end up with convictions on driving records, but they often repeat the crime.

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Solutions Demand Involvement
New Mexico needs to get back to work in fighting DWI. What experts say you can do.

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ON THE COVER
The ground near a cross on U.S. 84/285 just north of Santa Fe is littered with liquor and beer bottles thrown by passing motorists. The cross is a memorial to a drunken driver who was killed. In the photo above is another memorial at the same site, but dedicated to his victim.

JOSH STEPHENSON/JOURNAL
New Mexicans’ twin addictions — drinking liquor and driving cars — collide day in, day out in the most terrible ways.

Someone is killed every 36 hours in a traffic accident that involves alcohol.

A car crash that involves drinking happens every three hours.

And every half hour someone in New Mexico gets handcuffed and booked on a charge of driving while intoxicated.

Year in, year out, New Mexico ranks as one of the most drunken and dangerous places in the country.

The statistics are numbing after a while, but the fallout is real: Heads shatter windshields, families rush to hospitals or plan funerals, and children watch their parents go to jail.

What does it look like inside the problem? We will show you, using interviews, reports and personal observation to chronicle the drunken driving events of one three-day weekend.

We’ll start with Friday, March 29.

10 P.M.

David Lake has left his house in McIntosh a little after 9 p.m., giving him plenty of time to drive the 45 miles into Albuquerque and make his night shift at the U.S. Postal Service.

The 55-year-old mechanic has just passed the point on Interstate 40 where Torrance County ends and Bernalillo County begins and he is topping Sedillo Hill when he looks in his rearview mirror and sees headlights behind him. It appears they are closing in fast.

Lake’s Chevy pickup is in the right lane and he keeps his eye on the headlights.

“I figured he was going to slow down,” Lake says. Instead, he says, “he just kept on coming.”

Lake braces for the impact and the car bangs into the back of his pickup. Dazed, he pulls to the highway shoulder. The car that hit him stops a little farther down the road and, as Lake is taking inventory of his injuries, the driver walks up to his window.

Lake, a former drug and alcohol counselor, has no doubt about the driver’s condition.

“I could smell alcohol on his breath. His eyes were droopy. He was incoherent.”

“Stay right here,” the driver slurs. “I’ll go get some help.” And he drives away.

10:20 P.M.

The streets around Nob Hill and East Central Avenue are crawling with people celebrating the end of the work week with drinks at the dozens of bars in the neighborhoods. Albuquerque Police Department traffic officers are out in force, conducting a “saturation patrol” in the area.

Officer Larry Campbell heads out, writes a couple of quick tickets for traffic violations and then points his cruiser west on Central Avenue at San Mateo and begins looking for drunken drivers.

The intersection of Central and San Mateo is the fifth worst intersection in New Mexico in terms of accidents, and police think drunken drivers contribute to that statistic. That is why Campbell and about a dozen other officers are covering the streets leading into the intersection.

They patrol up and down Central, Lomas and San Mateo until hours after the bars close, Campbell spotting weaving cars and pickups and pulling them over, and officer Troy Luna asking suspected drunks to walk through field sobriety tests and then blow in a Breathalyzer.

Across New Mexico, 55 people are arrested for DWI on average every day. The APD patrol this night nets about a dozen offenders. And the New Mexico State Police will pop 37 people for DWI before the weekend ends.

The record setter is a man stopped outside Las Cruces who is charged with his 24th DWI.

David Lake looks in his rearview mirror and sees headlights behind him.

“I figured he was going to slow down,” he says. But “he just kept on coming.”
**IN A STATE OF ADDICTIONS, MANY DAYS END IN DEATH**

**10:30 P.M.**

APD officers are responding to two unrelated accidents within sight of each other on Coors Boulevard on Albuquerque’s West Side. Neither wreck involves someone who has been drinking, and the officers follow their usual procedures for investigating and cleaning up a minor accident. An APD officer pulls his patrol car on an angle to block traffic from the accident scene and parks it with its lights flashing.

Diana Smith, 30, is driving northbound on Coors. The Albuquerque woman drives right into the patrol car. Officers smell alcohol on her breath, ask her to perform a field sobriety test and arrest her for DWI. She is handcuffed and placed in the back seat of another patrol car.

Minutes later, Sgt. Mark Garcia and Patrol Officer Esther Garcia are standing in front of that car when a 17-year-old driver slams into it. He is not drinking, only inattentive.

**11:01 P.M.**

An ambulance pulls up to the back door of the University of New Mexico Hospital’s trauma center and David Lake, strapped to a back board, is wheeled into the emergency room. Police, meanwhile, are looking with no luck for a small car — Lake thinks it might have been a Ford Escort — with Texas plates.

Lake’s back injury is painful but not serious, and he will be sent home in a few hours. His own condition report? “Tired, sore, disgusted.”

“And he’ll probably never get caught,” Lake says. “I’m just a statistic.”

**11:05 P.M.**

Two more men are wheeled into the trauma room at UNM Hospital, injured in a rollover accident on I-40 between Santa Rosa and Tucumcari. One man, who was ejected from his pickup, is seriously injured. The paramedics who deliver the driver and his injured friend report “alcohol on board.”

Police who responded to the crash say both men had been drinking when the driver spun out of control and rolled into the ditch. At the same time, three more injured men are on their way to the hospital from a high-speed rear-end collision outside of Gallup. The driver in that accident registers a .38 blood-alcohol level — 4½ times the legal limit.

Veteran charge nurse Jane Rich sees a busy shift shaping up for her overnight crew and, characteristically, drinking and driving are fueling her business.

“It’s the one thing I hate about this job,” says Rich. “I wish people in New Mexico knew what we have with drunk driving. This happens all the time.”

**11:50 P.M.**

Like many of the motorists on Interstate 40 this Friday night, brothers Lyle and Julison Jim are heading home for the Easter weekend. Lyle Jim, 27, a student at TVI, has been living in Albuquerque. He and his 29-year-old brother are driving to Fort Defiance, Ariz., the family’s hometown on the Navajo reservation. They are drinking this evening, Julison Jim later tells police. Somewhere between the Bluewater Lake and Prewitt exits on I-40 west of Grants, they get off the interstate and then back on — headed in the wrong direction. Thirty-five-year-old truck driver Christopher Frevele of Indianapolis is also heading home along I-40. It is late and Frevele’s partner and 13-year-old son are in the sleeping compartment of the Volvo tractor-trailer as it rolls toward Albuquerque at 75 mph.

Frevele passes under the bridge at the Prewitt interchange and is surprised to see headlights facing him. Frevele hits the brakes and swerves to try to avoid the little car heading straight at him. There is not enough time. The tractor-trailer and the Dodge Neon collide head on.

Police cars and ambulances head to the scene of broken glass, twisted metal and scattered beer bottles. In Albuquerque, the pager of the Office of the Medical Investigator’s coroner on call this weekend goes off.

**1:34 A.M. SATURDAY**

New Mexico State Police officers are on the scene outside Prewitt on Interstate 40, sorting out the head-on crash between a Volvo tractor-trailer and a Dodge Neon.

Emergency medical technicians from Grants have taken Julison Jim to the hospital in Grants. Truck driver Christopher Frevele has only a cut elbow, even though his truck skidded and rolled onto the driver’s side.

Frevele’s passengers have some bumps and bruises but are OK. The body of Lyle Jim, the 27-year-old who was dri—

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*“IM JUST A STATISTIC:” David Lake waits to have his neck and spine X-rayed at the University of New Mexico trauma center after a hit-and-run driver, who smelled of alcohol, rear-ended him on Interstate 40.*

*HIT FROM BEHIND: Diana Smith of Albuquerque, arrested for drunken driving after plowing into an Albuquerque Police Department car, was handcuffed in the back seat of this patrol car when it was hit by an inattentive, but sober, driver.*
The 1990 Honda speeding along I-40 just west of the Continental Divide catches the attention of David Abeita, an officer in the Department of Public Safety's Motor Transportation Division.

A check of the license plate shows that the car was taken in a carjacking in Albuquerque. Abeita begins his pursuit.

The driver speeds up and begins weaving in and out of freeway traffic, flashing his headlights and on occasion turning them off. He hits 100 mph.

Abeita is able to pull the driver — a San Diego, Calif., man in his 20s — over just east of Gallup and arrest him for a number of crimes, including DWI.

4:30 A.M.

I-40, New Mexico's east-west artery, has been host to some hellacious accidents. Just this year, four people were killed on it in a head-on collision west of Albuquerque and seven died in a multi-car pile-up in eastern New Mexico.

Abeita is still doing his paperwork when Laguna police spot a swerving International tractor-trailer weaving in and out of traffic on I-40. They know they have to get the truck off the road. They give chase at mile marker 114, just east of the main pueblo village. At mile marker 96, at Acoma Pueblo, they

9:25 A.M.

At St. Vincent Hospital in Santa Fe, Johnathan Pollock Jr. succumbs to injuries he suffered in a drunken driving accident outside Las Vegas. Pollock is 18 and has been battling internal organ and spinal cord injuries for 13 days.

The West Las Vegas High School senior — a varsity football player, wrestler, saxophonist and honor roll member — was riding in a pickup driven by a friend, 17-year-old Lyle Kretz, on March 11 when the truck veered off Interstate 25 into the median. It hit dirt and rolled three times.

Pollock and Kretz had been at a party and were headed home. Neither was wearing a seat belt. Pollock was thrown from the truck.

Kretz was treated for minor injuries and taken to jail. His blood-alcohol level was .15, nearly twice the legal limit for prosecution and well over the .02 level at which a teen's driver's license can be revoked. He told police he had three or four beers.

Matthew Sandoval, the District Attorney in Las Vegas, is notified of Pollock's death and prepares to amend the charges against Kretz, adding one count of vehicular homicide.

Pollock's body is bound for the Office of the Medical Investigator, then a funeral home in Las Vegas. He leaves behind parents, grandparents and six brothers and sisters.

9:30 A.M.

Pathologist Rebecca Irvine is already suited up in the autopsy suite at the Office of the Medical Investigator in Albuquerque. Jim was drunk and driving in the wrong direction on Interstate 40 when he hit a semi-truck.

One look at Lyle Jim bears out the violence of his death. His skull is fractured; his jaw is broken; his neck is broken; and his pelvis, hip and ribs are broken. “This,” says pathologist Rebecca Irvine, “is what we call multiple blunt-force trauma.”
hospital scrubs and a waterproof apron when a technician begins undressing Lyle Jim’s battered body so his autopsy can begin.

His brother, Julison, is on a gurney in the emergency room at UNM Hospital next door, where he has been transferred by ambulance from the hospital in Grants. Doctors are monitoring his injuries.

The question in the autopsy room is how did Lyle Jim die and how much alcohol was in his system.

Technicians take a blood sample and a sample of fluid from behind the eye from every body they autopsy. They have it checked for drugs, alcohol, poison and a host of other substances that might shed light on the person’s health and death.

Jim’s results will show his blood-alcohol level was well above the legal limit when he died.

Irvine then begins the methodical process of examining Jim’s internal organs.

Members of Mothers Against Drunk Driving and other anti-DWI crusaders often object when the word “accident” is used to describe alcohol-related collisions that injure or kill.

Fatal DWI collisions are not accidents, they argue, but violent crimes.

One look at Jim bears out the violence of his death.

His skull is fractured; his jaw is broken; his neck is broken; and his pelvis, hip and ribs are broken.

His left arm is broken in two places; his right arm is broken in three places and nearly severed at the armpit.

His diaphragm is torn; his liver is cut; his lung is torn; and his heart is ripped.

“This,” Irvine says, “is what we call multiple blunt-force trauma.”

6:25 P.M.

Marlene and Todd Walkowski are headed home to Taos Pueblo after a day of riding their Harley with friends through Northern New Mexico. It is a beautiful day and they stop in Taos for a few drinks.

On Paseo del Pueblo in Taos, a car cuts in front of Walkowski, a carpenter, and he lays the bike down. His 40-year-old wife, a Bureau of Indian Affairs firefighter, is thrown and lands face down on the pavement.

7 P.M.

An ambulance speeds toward University of New Mexico Hospital with 88-year-old Bonifacia Chavez inside. The trauma team tries its best, but Chavez’s injuries are too severe and there is nothing they can do to save her.

Trained by experience to guess that a pedestrian hit by a car on a Saturday night is the victim of drunken driving, charge nurse Jane Rich gets angry, then sits down and cries.

It turns out the driver who hit Chavez had not been drinking — he just couldn’t stop when Chavez stepped off the curb. The news erases Rich’s anger, but her sadness remains.

“It gets to you after a while,” Rich says.

Doctors and nurses in the emergency room cannot linger on the death for long, though. The Lifeguard helicopter is taking off to pick up Marlene Walkowski in Taos.

Her motorcycle leathers protected her body, but she wasn’t wearing a helmet and doctors worry about bleeding in her brain.

11:10 P.M.

Lifeguard lands on the UNM Hospital roof and paramedics give their report on Marlene Walkowski: No helmet, a head injury and a blood-alcohol of more than .20.

Todd Walkowski has not been charged with DWI. An investigation is pending. Marlene Walkowski is not
BICYCLIST’S NEARLY LETHAL BLOOD-ALCOHOL LEVEL A SHOCK

Joseph Mendez arrives at the trauma center at University of New Mexico Hospital in a condition that shocks even emergency room veterans. Mendez, 46, was riding his bicycle on Lomas and Second Street in Downtown Albuquerque on this Easter, he tells police, when he was hit by a car. It is not Mendez’s injuries that are surprising — he doesn’t appear hurt. But he blows into one of the Breathalyzers the hospital keeps on hand and it registers .52. That is 6½ times the legal limit for operating a motor vehicle. It is close to being lethal.

“Wow,” says Mike Chicarelli, the charge nurse on duty tonight. The hospital routinely sees blood-alcohol levels of .20 and .30, although Chicarelli once treated a man — still alive — with a .70. A person with a .52 level like Mendez’s is usually dead or passed out.

Mendez, however, is alert and happy to talk. Mendez got onto his bicycle to ride to the bank and was hit when he passed a car on the right at an intersection.

He was riding his bike because his driver’s license was revoked. Court records show a string of DWI arrests going back to 1982.

“People run you off the road,” Mendez complains. “They have no consideration for people on bikes.”

Despite his alarmingly high Breathalyzer score, Mendez says he purchased only two beers today. “Me and this friend of mine,” he says. “He had one and I had one.” He got that drunk on one beer? “It was a tall one,” Mendez says.

New Mexico State Police officer Greg Valdez arrives at the scene of a rollover accident on a dirt road outside the Navajo Nation community of Dzilth-Na-O-Dith-Hle and is surprised to find that none of the four occupants of the sedan is seriously injured.

The driver, his wife and a baby and toddler in the car were all buckled into seat belts.

The driver, who is staggering around outside the car, smells like alcohol and admits having been drinking before he lost control of the car.

Valdez waits for the Navajo Nation police to arrive to place the driver under arrest for DWI. While he waits, his radio reports another rollover a few miles away.

APD Sgt. J. Bledsoe is stopped on the shoulder of I-40 in Albuquerque checking on a motorist with a disabled car. He is parked more than a car width off the roadway and has left the driver’s door open.

Tiffany Alexander, who is driving along I-40 in the right lane, veers off the inter-

OPEN KEG ON I-25: Open beer cans, a keg and cups survived the crash that sent the occupants of the car — primarily teens — to the hospital.
Drunk on Easter Candy; Teens and a Keg in the Back Seat

state, hits the door of the patrol car and comes to a stop 80 yards away.

“At least I stopped,” Alexander tells the officer. “I’m a good girl.”

She is arrested for DWI but blames her bloodshot eyes and the smell of alcohol on several liquor-filled chocolates she ate for Easter.

6 P.M.

Two people are sitting outside their house near Nageezi on the road that leads to Chaco Canyon, enjoying the warm Easter evening when they see a car speeding down the dirt road. The car hits a washboard stretch of the road, fishtails, skids, hits a dirt embankment and flips.

The people run to the car and find Charleston Martinez, a 22-year-old neighbor, still buckled into his seat. His head has hit the car’s ceiling.

They pull him out, check for a pulse, find none and drive to the convenience store a mile away to call police.

Officer Valdez gets the call and arrives a short time later. Budweiser cans, open and empty, are found inside the car. Valdez makes arrangements for a coroner to pronounce Martinez dead.

Martinez’s blood-alcohol level is .199. He is the third person to die this weekend as a result of an accident that involves alcohol.

8 P.M.

Tina Lucher is driving south on Interstate 25 through Albuquerque without a valid driver’s license. In the passenger seat next to her is a 22-year-old man she knows only as “Weedo” and several open cans of Bud Light. In the back seat are 19-year-old Deziree Luevano, 11-year-old Charlene Romero, an open keg of beer and plastic cups.

Lucher is 17.

She pulls to the right to pass a slower car and, when that driver moves into the same lane, she swerves and smashes into a concrete barrier.

11:20 P.M.

Although bicyclist Joseph Mendez is not injured, only drunk, it is the hospital’s policy not to release a patient until the alcohol level in his blood falls under the legal limit.

Because of his high alcohol level, Mendez will spend the night. He is on a bed next to the nurse’s station, fast asleep and snoring.

11:30 P.M.

Eleven-year-old Charlene Romero, the most seriously injured girl in the car that crashed on I-25 has been moved from the UNM Hospital trauma room to a bed in the emergency room. Luevano, who has been evaluated for a possible concussion, and Rojas, who is not injured, wait with Romero.

Four beds away, APD officer Holly Garcia makes sure a blood sample from Lucher is drawn and tagged.

Lucher has registered a .098 on the Breathalyzer, well above the legal limit.

“Have you been drinking?” Garcia asks her.

“A lot,” Lucher answers. “I’m in a lot of trouble when I get out of here.”

“I’m in a lot of trouble:” This car spun and hit a concrete barrier on Interstate 25, injuring its young occupants. Tina Lucher, the 17-year-old driver, was legally drunk, according to a Breathalyzer test.
Max DiJulio says it was love at first sight when he was introduced to Mary Louise Allin. “I had it as soon as I met her,” DiJulio says. “It was over for me. She was a terrific lady, a helluva lot better than me.”

They were married just 10 years.

Mary Louise DiJulio, 64, a retired managing editor of Reader’s Digest, was killed by a drunken driver last June on U.S. 84/285 just north of Santa Fe.

She was one of at least 201 people to die in alcohol-related accidents on New Mexico’s highways in 2001. It was the worst year for alcohol-related crash deaths since at least 1997, with a number of accidents still under investigation. It was the third consecutive year the number of deaths has increased.

The jump has reversed some of the progress New Mexico made against its drunken driving problem in the 1980s and much of the ‘90s.

“The system has crept back to complacency,” says state Highway and Transportation Secretary Pete Rahn, who oversees the Traffic Safety Bureau. “Do we have to lose a family member to decide drunken driving is a problem?”

The state remains one of the worst in the nation in the percentage of traffic deaths related to alcohol, and in alcohol-related crash fatalities based on population.

Drunken driving is the leading cause of injury and death for New Mexicans between the ages of 1 and 44.

It doesn’t have to be this way. There is plenty of research on what tools are effective in combating drunken driving.

There is nearly unanimous agreement that aggressive law enforcement is a big part of the solution. One advocacy group says more aggressive statewide enforcement in New Mexico could save more than 40 lives a year.

Because it’s impossible to catch all drunken drivers, people must be deterred from drinking and driving by fear of arrest.

But some law enforcement agencies aren’t getting the job done because they are either unable or unwilling.

Some don’t even take advantage of state funding for sobriety checkpoints and saturation patrols — proven tools in the fight against drunken driving.
**DWI BRAKES**

As a result, enforcement of DWI laws is uneven across the state. Fewer drunken drivers are being arrested and many counties with low DWI arrest rates rank high in alcohol-related crashes.

**Cross to bear**

Max DiJulio, 82, who composes and arranges music, lives alone in the Santa Fe condominium he once shared with his wife.

He’s lonely and trying to hang on to the memories.

“I don’t want to get over it,” he says.

The spot where Mary Louise died is marked with a cross. Just a few feet away is a second cross for the drunken driver.

The ground where the crosses stand is littered with empty liquor and beer bottles thrown from passing vehicles.

*‘It’s not over with’*

Most New Mexicans drink — beer being the most popular beverage — and many have a problem.

The state’s death rate from alcohol-related diseases and injuries is among the highest in the nation.

And New Mexicans like to mix drinking and driving. About one in 75 drivers is arrested each year for DWI.

Tens of thousands more drive drunk and are never caught.

In response to the toll on the highways, the state enacted several laws in the mid-1990s to combat drunken driving.

The state lowered the legal blood-alcohol limit to .08, increased penalties for drunken driving and became the only state to set aside part of its liquor excise tax to fund anti-DWI programs.

The number of alcohol-related crash fatalities dropped from 235 in 1996 to 213 in 1997 and 188 in 1998.

But the picture has changed since 1999, when the number of alcohol-related crash deaths rose to 193. It jumped to 195 in 2000. The 201 figure for last year is preliminary and could go higher.

**Enforcement counts**

Fighting drunken driving is part art and part science. Many studies have been conducted to identify what works and what doesn’t.

A federal plan to reduce alcohol-related crash deaths recommends, “Embrace active, high visibility law enforcement... We know what works.”

A study of repeat DWI offenders conducted in 1996 for the National Highway Traffic Safety Administration also found evidence that fewer people drove drunk when law enforcement was certain to be in the area.

Law enforcement is the first line of defense against drunken drivers, says Richard Ness, executive director of the New Mexico Sheriffs and Police Association.

“The bottom line is, if they get behind the wheel, it’s law enforcement that puts them away,” says Ness, a former Torrance County sheriff.

A total of 19,304 drivers were arrested for DWI in New Mexico in 2000. That was down from 20,604 in 1991 and a decade-high of 24,437 in 1993.

“If we could increase those arrests, we would decrease those types of accidents and fatalities,” says Santa Fe Police Chief John Denko, a former State Police chief and president of the New Mexico Municipal Chiefs of Police Association.

The 300 Lives Initiative by the nonprofit DWI Resource Center in Albuquerque says stronger enforcement would save an estimated 98 lives by the end of 2005.

Adding 100 State Police officers for traffic enforcement would save 43 more, the center says.

Rahn says law enforcement needs to do its job, but officers are discouraged by the failure of the courts to deliver swift and sure punishment.

State Police Deputy Chief Michael Francis says DWI arrests by the agency have leveled or declined in some areas because some drivers have gotten the message.

*State Police Chief John Denko*

**‘So close to home’**

Joe Henry Thomason began his last day like every day.

Trailed as always by a neighborhood dog, Thomason walked more than a mile from his home in El Prado, just north of Taos, to a Texaco station to buy a morning newspaper.

He was well liked by the workers at the station. Tourists there sometimes mistook him for Willie Nelson because of his beard, ponytail, southern accent and trademark bandanna.

Thomason was headed home when a driver struck and killed him.

The driver, who has been charged with homicide by vehicle and DWI, was allegedly drunk, en route to a store to buy more beer. It was 8:45 on a weekday morning.

Thomason, a retired elementary school principal from Arkansas, was 66.

A cross marking the spot where he died on Millicent Rogers Road is decorated with flowers and a Texaco banner.

Thomason’s widow, Susan, drives past the cross on many days.

“I guess that’s been the hardest part,” she says. “It happened so close to home.”

The Thomasons were college sweethearts. They had been married for 45 years, the parents of two. She was a special education teacher.

They retired to Taos in 1990, and it was glorious. They often played tennis together and traveled a lot to visit family. She quilted and he cooked.

Today, Nana, the dog that...
trailed Joe to the Texaco, goes for morning walks with Susan. She misses seeing her husband sitting on the patio and working his daily crossword puzzles. “I stay very, very busy,” Susan Thomason says. “I take it a day at a time. I’m not the first person who has had tragedy in their life. You’ve got to go on. You can’t crawl in a hole.”

Taos County is one of the worst in the state for alcohol-related crashes. Its arrest rate for DWI is also among the worst.

“It’s a matter of the law not being enforced,” Thomason says. “I’m not sure the city is interested in doing anything about the problem, or the county. I haven’t heard anything that anybody cares enough to make changes.”

She says she isn’t interested in becoming an activist. “It would turn me into an angry person,” Thomason says. “I don’t want to be like that.”

Good ol’ boy system

Taos County isn’t alone in having a high rate of alcohol-related crashes and a low rate of arrests.

Six other counties in 2000 ranked in the top 10 for crashes and the bottom 10 for arrests. (See graphic at left).

County sheriffs and local police make 80 percent of the DWI arrests in New Mexico. State Police are also critical in rural areas, making one in four arrests outside of Albuquerque and Bernalillo County.

NOT ENOUGH TIME: Susan Thomason says she reflects daily on her 45 years of marriage to Joe Henry Thomason. A retired elementary school principal, he was struck and killed on his daily walk in El Prado, just north of Taos. Police say the driver was drunk and on his way to buy more beer.

Sandra Suazo, 26
Dixon
Killed by a drunken driver

“We want the judge to make him stop.”
ARLENE MAESTAS, SANDRA SUAZO’S SISTER

Sandra Suazo is frozen in time in her family’s memories. Forever 26, she never had the chance to marry her fiancé and move into the house they were fixing up. She never had the chance to finish her schooling and become a physical therapist. She never had the chance to have children.

Suazo had stayed late at the doctor’s office in Española where she worked as a manager on the evening she was hit and killed by a drunken driver on her way home. Dominic Velasquez had pulled onto N.M. 68 after leaving a club in Alcalde and driven the wrong way on the divided highway for several miles before he slammed into Suazo’s Chrysler LeBaron.

That was 12 years ago. The crash robbed St. Anthony’s Parish in Dixon of a dedicated volunteer, stole one of Lupita Suazo’s three daughters and took from the world a smiling, laughing spirit.

“She couldn’t carry a tune in a bucket,” said her sister, Arlene, “but she was learning how to play the guitar.”

Arlene Maestas and her sister, Cindy Atencio, have their memories of Sandra’s life, and they also endure memories of her death — every time they see Velasquez around Española or Santa Fe or read in the newspaper that he has been arrested again for DWI.

Velasquez pleaded no contest to vehicular homicide in Suazo’s death and was paroled after six months. He was arrested again for DWI in 1993 and 1994.

Last November, Velasquez was charged with DWI again after he was pulled over in Hernandez. It was 9:30 a.m. and Velasquez was weaving in and out of traffic with a 10-year-old passenger helping him steer, according to police.

“Please get me out of the car,” the boy told police. “He’s all drunk.”

“It’s frustrating,” Cindy Atencio said. “He’s out there living his life, and he’s at it again.”

Velasquez has since been held in jail on a $50,000 cash bond. His trial date is set for...
Who Should Police Target?

EXPERTS DIFFER ON WHETHER REPEAT OFFENDERS ARE KEY TO SOLUTION

BY THOMAS J. COLE
JOURNAL INVESTIGATIVE REPORTER

It’s become an all too familiar story in New Mexico: A motorist repeatedly arrested for DWI kills while driving drunk yet again.

Lloyd Larson of Crownpoint, charged in a crash Jan. 25 on Interstate 40 that killed two Nebraska couples, had at least nine prior DWI arrests.

Repeat offenders cause a disproportionate share of the state’s alcohol-related crashes. More simply put: A motorist who has been repeatedly arrested for DWI is a greater threat on the highway than a driver who hasn’t.

Still, a staggering two-thirds of all alcohol-related fatal and nonfatal accidents are caused by drivers who have never been arrested for DWI.

And that is the basis for a debate over how much anti-DWI efforts should focus on repeat offenders versus efforts aimed at the entire driving population.

Steven Flint, a board member of the nonprofit DWI Resource Center in Albuquerque and a former chief of the state Traffic Safety Bureau, says New Mexico has focused too much on repeat offenders.

“They aren’t necessarily the key to the solution,” Flint says.

Drivers never arrested for drunken driving are more responsive to anti-DWI efforts, such as sobriety checkpoints, he says.

“They are more concerned about losing their licenses, their reputations in their communities, how they are viewed by their families,” Flint says. “Enforcement, by the research, is what would save lives,” he says. “Saving lives is what it’s all about.”

The local DWI grant program, funded by revenues from the liquor excise tax, is an example of how New Mexico is overfocused on repeat offenders, Flint says.

Local governments received $10.5 million under the program in the fiscal year ended June 30, 2001, and only $934,000 of that went to enforcement.

The rest was spent on prevention and planning and alcohol- and drug-abuse screening, outpatient treatment, intensive supervision and alternative sentencing for DWI offenders.

But Terry Huertaz, state executive director of Mothers Against Drunk Driving, says the focus on repeat offenders is warranted because they are the known population of drunken drivers.

Drivers who have never been arrested but are at risk for driving drunk are hard to identify, Huertaz says.

Thomas English, secretary of the state Department of Public Safety, is focusing on repeat offenders as part of his Road Predator Project.

State Police officers are given information about people in their areas who have been arrested for DWI more than three times.

English says officers don’t conduct stakeouts to catch the repeat offenders but can watch for them while on patrol.

State Highway and Transportation Secretary Pete Rahn also says using substantial resources to try to prevent repeat drunken driving is warranted.

“The system is finally making contact with this problem (a drunken driver) and has an opportunity to deal with it,” Rahn says.

State Police make the majority of the DWI arrests in Taos County.

“I could probably reduce the accidents way down” with more officers, Francis says.

Taos Police Chief Neil Curran, a former State Police chief, says he has two fewer officers today than when he took over the department in 1992.

“Could we do a better job? Yes. No doubt about it,” Curran says. “You have to have resources.”

Demko says law enforcement has other crimes to fight, and departments must prioritize limited resources.

“And when you don’t have the resources, some of the drunk drivers are going to slip through the net,” he says.

Denko and others say DWI enforcement is less vigorous in some communities because of political considerations by local officials.

“I don’t think it’s people actually condoning this,” Denko says. “They want to be representative of their communities.”

Others are less politic.

Española Municipal Judge Charles Maestas says concerns about la familia, or family, drive DWI enforcement in some communities, including his own.

“We are our own worst enemy,” Maestas says. “We are family, but we have to believe in tough love.”

“How vigorous law enforcement is in combating DWI boils down to two major issues: money and attitude.

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Milford and Ness call it “the good of’ boy system.”

“You got to live with the guy next door,” Ness says. Adds Milford, “They don’t understand that eventually someone is going to get hurt.”

Milford says some communities fear tough DWI enforcement could affect their economies by reducing alcohol sales and tourism.

Francis adds, “We have a lot of sheriffs who won’t run traffic enforcement. They have to run for re-election.”

Only about half of New Mexico’s 140 local law enforcement agencies participate in Operation DWI, a state program that funds sobriety checkpoints and saturation patrols.

More than a dozen sheriff’s departments, including Taos County, don’t take part.

Taos County Sheriff Charlie Martinez says he applied last year with the state Traffic Safety Bureau to take part in Operation DWI but never heard back from the agency.

He says he hasn’t run checkpoints this year but did about seven or eight in 2001. Saturation patrols are more common, the sheriff says.

Lisa Kelloff, president of Safer New Mexico Now, which contracts with law enforcement agencies on behalf of the Traffic Safety Bureau, said the Taos County Sheriff’s Department hasn’t participated in Operation DWI since 1997 or 1998.

There is no record that the department applied last year for grant money, Kelloff said.

Before they crash

It’s a Tuesday evening in March and 10 officers with the Alamogordo Department of Public Safety are manning a sobriety checkpoint on busy Indian Wells Road.

The officers nab only one suspected DWI offender in four hours but send a chilling message to hundreds of drivers about the threat of arrest should they...
**Dennis Lihte, 51**  
Albuquerque  
Police chaplain

“They know the chaplain is at their door and that what means. I don’t even say, ‘I have bad news. I get right to it.’”

He has walked to the front doors of hundreds of homes in Albuquerque over the years, knocked lightly and delivered news that changes peoples’ lives forever.

Dennis Lihte, an ordained Baptist minister and the director of a homeless shelter, is one of 30 volunteer Albuquerque Police Department chaplains called to the scene of violent death to help police identify victims and then notify the family.

Too often, the news is related to drinking and driving.

Some of those accidents, even years later, stand out in Lihte’s memory.

Like interrupting the carving of the turkey on Thanksgiving Day to tell the family why their son was late to dinner.

Like finding the 13-year-old girl in the back seat of the crumpled car, a beer can smashed into her mouth by the force of an accident, and heading out into the night to try to find her mother or father.

Like telling the mother that her 21-year-old son had driven off an embankment drunk and then learning that another police chaplain had delivered similar news only a year earlier about the woman’s other son.

Confronting the living is harder for Lihte than helping police identify the dead.

“When you see the body, it doesn’t really mean anything until you match it with the people who loved that person,” says Lihte.

“They were really in the prime of their life.”

**Russell Kidman, 57**  
**Mary Kidman, 55**  
Los Alamos  
Killed by a drunken driver

“It came as no surprise to people who knew that Russell and Mary Kidman spent their last day alive scurrying around Bandelier National Monument, then heading to the mountains for some end-of-the-day nature watching.

Nor did it surprise anyone that they had a daughter, a grandkid and some friends along.

In their 25 years in Los Alamos, the Kidmans had devoured the scenery and practiced the small good deeds that build lifelong friendships.

Russell, a nuclear physicist, grew roses, collected lost softballs, biked to work every day, sailed on Abiquiu Lake and canned tomatoes. He had recently figured out how to predict the behavior of subatomic particles, a breakthrough in developing techniques to dispose of nuclear weapons.

Mary, a lifelong student, was president of the League of Women Voters and the Civitans, a fan of Frank Lloyd Wright’s designs, a doting grandparent and a quiet influence on friends and neighbors who sought her advice. At 51, she had worn a cap and gown and graduated from the University of New Mexico.

Russell Kidman was crushed against the steering wheel. Mary Kidman was trapped in the seat next to him. It took nearly three hours for rescue crews to arrive and cut them from the car. Russell died in the helicopter on the way to the hospital. Mary, her legs and arms shattered, died six weeks later.

“There couldn’t have been a more violent way to kill them,” their older daughter, Stacey Plassmann, and her 8-month-old son, Ryland, riding in the back seat, were barely injured in the head-on collision. Plassmann’s friends saw the crash from their car.

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By Thomas J. Cole
Journal Investigative Reporter

More than 210,000 drivers were arrested for DWI in New Mexico during the decade that ended on the last day of the year 2000.

During the same period, there were 46,203 alcohol-related crashes resulting in 2,267 people killed, and thousands more maimed.

But there were only 238 citations issued against liquor licensees for serving intoxicated people.

More than 100 of those resulted in no punishment for the sellers.

Santa Fe Police Chief John Denko calls the number of sell-
ers. 

Denko says there is no “astoundingly low.”

“It’s an indictment of compla-

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It is impossible to tell from the state Alcohol and Gaming

Division recently received 238 citations issued for serving intoxicated people.

For those who paid a fine, the average was $600. Only 42 cita-
tions resulted in license suspensions.

The state in 1995 began requiring that alcohol servers be trained in compliance with liquor laws and in 1999 began issuing citations to individuals who have served intoxicated people.

It is impossible to tell from the state Alcohol and Gaming Division database how many server citations have been issued for serving intoxicated people.

Bert Clemens, a hotel and restaurant owner in Eagle Nest and a former president of an association that represents bars and restaurants, says 99 percent of sellers do a good job in not serving intoxicated people.

“It’s really hard to say when a guy is visibly intoxicated,” Clemens says. “It can be impos-

It is also hard for sellers to always know how much someone has had to drink because people bar hop and drink in vehicles, he says.

“You get thrown out of Joe’s place so you go to Mabel’s place,” Clemens says. “Then it takes a drink to figure out this guy’s blotto.”

English says he has ordered the Special Investigations Divi-
sion to start tracking down where drivers got drunk before causing accidents.

The division can then use the information to target liquor sell-
ers for investigation, English says.

Maj. Fernando Gallegos, head of the Special Investigations Division, says the division has 21 agents to enforce alcohol laws statewide.

Cases against licensees for serving intoxicated people are hard to prove, Gallegos says.

Someone drinking in a bar or restaurant can’t be forced to take a blood-alcohol test unless he gets into a vehicle, he says.

Agents have begun bringing cases against people who buy drinks for intoxicated friends and family members after they have been denied service in bars and restaurants, Gallegos says.

The Special Investigations Division recently received grant money from the state Traffic Safety Bureau to step up enforcement.

Mary Margaret Sosa, 26
Albuquerque
Killed by a drunken driver

“She worked, worked, worked. That little girl worked.”

TERESITA SANCHEZ, SOSA’S MOTHER

Her parents come up blank when they try to remember their eldest daughter relaxing in an idle moment.

Mary Margaret Sosa, nick-
named “Sister Mary Margaret” by co-workers for her helpful-
ness and compassion, was always on the go. She read romance novels, loved movies and always had a crochet pro-
ject in the big bag she carried with her. If friends, relatives or co-workers needed help with anything, she was always the first to lend a hand.

“That girl could never say no to nobody,” says Justo Sanchez, who married Sosa’s mother when Mary Margaret was 6 and raised her as his daughter.

Sosa juggled three jobs — at McDonald’s, at a day-care cen-
ter and at a laundromat — while she completed Manzano High School.

By the time she was 26, Sosa had two years under her belt as a 911 dispatcher. She took the job because she found the work exciting and wanted to make a difference in the lives of people in distress.

“She felt it was her responsi-

By Leslie Linthicum

“Alcohol is the sacred cow of New Mexico. We will have a liquor licensee on every corner, be damned if you want a safe neighborhood.”

LINDA ATKINSON, EXECUTIVE DIRECTOR OF THE DWI RESOURCE CENTER

THE AFTERMATH: Mary Margaret Sosa’s car was hit broadside by a drunken driver who ran a red light.

Emergency dispatchers are the first to know of an accident. One of the dispatchers drove to the scene of a high-speed crash that had been reported at Eubank and Academy and found Sosa’s red Neon smashed almost beyond recognition.

For those who paid a fine, the average was $600. Only 42 cita-
tions resulted in license suspensions.

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Many Drunks Get Off Easy

WEAK LINKS IN JUSTICE SYSTEM ALLOW PRIOR DWI CONVICTIONS TO COUNT FOR NOTHING AS SUSPECTS SKATE WITH NO JAIL TIME

By Thomas J. Cole
Journal Investigative Reporter

Edward N. Sena got a sweet deal when he was arrested for drunken driving in March 1999.

With four prior DWI convictions, Sena could have been convicted of felony drunken driving and sent to prison for 1½ years. But he didn't spend a day in jail or pay a dime in fines.

The Las Vegas, N.M., man pleaded guilty to a first-offense DWI under a plea deal with the local District Attorney's Office. It wasn't his first good deal after getting picked up for driving while intoxicated. All four of his prior convictions were for first-offense DWI, mocking New Mexico's policy of tougher penalties for repeat offenders.

Sena's case isn't unusual. A Journal analysis of cases statewide shows about 30 percent of all drivers charged with DWI end up being convicted of or pleading guilty to reduced charges.

The analysis of 300 randomly selected cases found about 45 percent of the drivers were convicted of the maximum charge allowed by law. The remainder of the cases were still pending or had been dismissed. Some were transferred to federal court.

The Journal's analysis also found that about half of those convicted didn't comply with their sentences, and judges rarely imposed mandatory jail sentences for noncompliance.

Meanwhile, more than half the dismissals and acquittals were caused by officers failing to appear at trial and other prosecution breakdowns.

In short, the criminal justice system isn't sending a message that DWI offenders will be subjected to swift and sure punishment.

"We've got to get to the DAs and judges. They're dropping the ball way too frequently," says state Highway and Transportation Secretary Pete Rahn, who oversees the Traffic Safety Bureau.

Pleading out

The state increased penalties for drunken driving in 1994. It also created a new crime of aggravated DWI for those who had a blood-alcohol content of .16 or more, refused to take a blood-alcohol test or caused bodily injury.

Misdemeanor DWI charges now range from nonaggravated first-time drunken driving with no mandatory jail time to an aggravated DWI third offense with 90 days mandatory.

A driver convicted of four or more DWI offenses can be charged with a felony carrying a mandatory six months and a maximum of 1½ years.

In the Journal's review of DWI cases statewide, there were at least 32 cases where first-time offenders could have been convicted of aggravated DWI but instead were found guilty of nonaggravated. That meant they avoided...
The judge allowed the sentences to run simultaneously.

Mandatory jail time.

At least 57 repeat drunken drivers avoided jail or had their time reduced by pleading guilty to lesser offenses.

The Sena case was one of at least five where the driver was convicted of a misdemeanor DWI when his prior drunken driving convictions made him eligible for a felony.

“This plea-bargain stuff is way out of hand,” says Richard Ness, executive director of the New Mexico Sheriffs and Police Association and a former Torrance County sheriff.

Santa Fe Police Chief John Denko, a former State Police chief and president of the New Mexico Municipal Chiefs of Police Association, says officers “feel slapped in the face sometimes” by the court system.

“It’s a morale killer,” Denko says.

**OFF EASY**

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**'No proof of priors'**

Sena was last arrested for DWI in March 1999 by a State Police officer who stopped his weaving pickup in Las Vegas.

The office of District Attorney Matthew Sandoval prosecuted the case in Magistrate Court. It was his third prosecution by the local District Attorney’s Office — although the first two preceded Sandoval.

Sena was allowed to plead guilty to nonaggravated first-offense DWI. He was sentenced to 90 days unsupervised probation and fined $200. The fine was suspended.

“No proof of priors available for felony!” an assistant district attorney wrote in the prosecutor’s file.

It’s a refrain often heard from prosecution offices. But it’s really not that difficult to find conviction records.

Prosecutors must show proof of a driver’s prior DWI convictions to obtain a repeat-offender conviction.

The records should be available either from the state Motor Vehicle Division or the court where the defendant was convicted.

Sena’s case file shows the DA’s Office asked MVD for records of his convictions but received only a record of his first conviction in 1980. That conviction couldn’t be used because it didn’t show Sena had signed a waiver of counsel, Sandoval says.

Sena’s other convictions were in Santa Fe Municipal Court in 1990 and in Magistrate Court in Las Vegas in 1993 and 1994.

The case file at the DA’s Office doesn’t show any effort to obtain records of those convictions from the courts after MVD’s response.

And prosecutors should have known MVD had additional records, which the agency compiles when it receives conviction notices from courts. Law enforcement can access an “index” of convictions, so prosecutors should know what records they will receive.

MVD provided records of all Sena’s convictions in response to an inquiry by the Journal. Sandoval says he believes the office made a verbal request of Magistrate Court for records but was told they were unavailable. He says no request was made of the Santa Fe court and that was a mistake.

But the Journal recently obtained Sena’s case files in the Las Vegas and Santa Fe courts. Sandoval says his office now works harder to find records of prior convictions, checking back with MVD when records are missing and getting records directly from courts when necessary.

“We’re far better than we were in 1999,” he says.

Sena died this year of an alcohol-related disease. He was 55.

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**TIMOTHY GLASS, 50**

Paradise Hills

DUI accident victim

“I figured if I didn’t drink and drive, I would be safe. I could get out of the way.”

When he tells his story at victim impact panels, Tim Glass is as harsh and unforgiving as the drunken driving crash that changed his life.

“I hope to God,” Glass tells convicted drunken drivers, “that I haunt you for the rest of your life.”

Glass was an athlete before a pickup truck going 60 mph slammed into the back of his smaller truck as he was stopped at a red light on San Mateo at Candelaria. The crash broke his hip, jammed two vertebrae into his head and sheared off a portion of his brain. Three years after the crash, Glass is two inches shorter, walks with a limp and is still in pain.

Glass was a computer scientist and a writer before the crash pushed his head into the roof of his pickup. He had to learn to walk, talk, read and write again. He lost his job and sold his house to pay medical bills. Today, he takes college courses in Web site design in hopes that he can go back to work and feel a little bit closer to the man he used to be.

The man who hit Glass, 51-year-old Lorenzo Mojica of Albuquerque, walked across the street to get a cup of coffee immediately after the crash, according to police. He told a judge he was drinking because he had buried his girlfriend that day. Mojica got a three-year prison sentence for the crash that injured Glass. He was also sentenced to six years for raping his deceased girlfriend’s 12-year-old daughter.

The judge allowed the sentences to run simultaneously.

“Today, I am fighting for my life,” says Glass.

“It’s an ongoing nightmare. There is the physical pain and the emotional pain and the constant fight to be someone again. Tim Glass is dead. He died that night on San Mateo. And he’s a tough act to follow.”

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**TONY MIERS, 38**

Albuquerque

Former drunken driver

“I said, ‘God, I want something out of life and this isn’t it.’

Tony Miers doesn’t know how many times he was stopped by police for drunken driving. He thinks it was more than 20. He certainly couldn’t calculate the number of times he drove drunk and didn’t get caught.

“It’s uncountable,” says Miers.

“I drank and drank.”

He started drinking at age 13 (unless you count the day when he was 3 and someone gave him a couple of cans of Coors) and was drinking regularly by the time he was 16 and had dropped out of Rio Grande High School.

Miers had DWI charges dropped for a variety of reasons over the years: The police officer didn’t show up, the Breathalyzer had not been calibrated recently, the arresting officer had not filled out his paperwork properly.

He also used a common ploy to avoid serious jail time: He pleaded guilty to DWI as a first offense several times and was sentenced to alcohol treatment programs or counseling.

Miers gave little thought to driving with a 12-pack of Budweiser or bottle of Black Velvet on the floorboard between his feet, or to getting caught.

“I figured that was just part of growing up,” Miers says. “This is just the way life goes. Even if I got caught, what’s going to happen? I’m going to have to go to an AA meeting?”

It took a domestic violence charge four years ago to get Miers’ attention. He sobered up, accepted Jesus Christ into his life and opened his own small business, an automotive paint and body shop in the North Valley.

Miers has had three run-ins with drunken driving and the law in the past year, but these are much different from his past experiences. Each time he has seen a driver drinking, he has called 911 on his cell phone and kept track of the driver until police arrived.

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First-offense trap door

There have been other cases where prosecutors said they were forced to allow drunken drivers to plead to lesser charges because records of previous convictions couldn’t be located.

But activists in the fight against DWI say prosecutors sometimes just don’t look hard enough, as in the Sena case.

“We can find them,” says Nadine Milford, state chairwoman of Mothers Against Drunk Driving.

Public Safety Secretary Thomas English, who oversees the State Police, says officers now obtain court records of prior convictions after arresting repeat DWI offenders.

“We don’t accept, ‘We can’t find it,’” he says. “We will find it. We are not waiting for the DAs.”

English says he wants prosecutors to stop bargaining down charges against repeat DWI offenders in cases where State Police provide the records. In other words, they won’t have the “missing records” excuse.

Steven Flint, a board member of the nonprofit DWI Resource Center in Albuquerque and a former chief of the state Traffic Safety Bureau, says he’s concerned about serious charges being bargained down to nonaggravated first-offense DWI.

The crime of nonaggravated first-offense DWI is the only drunken driving charge that doesn’t carry mandatory jail time.

“It’s a trap door,” Flint says.

“Everything can fall down to that level and there are no mandatory penalties.”

System overwhelmed

There are, of course, reasons other than records problems for prosecutors to enter into plea bargains with drivers accused of DWI.

A DA’s office might be concerned about the legality of the traffic stop that led to an arrest or could decide that having a conviction in hand is better than risking a trial.

Warren Sigal, an assistant district attorney in Albuquerque, says DWI offenders sometimes are permitted to plead guilty to lesser charges because some judges don’t like having to impose mandatory jail time for more serious DWI offenses.

Those judges are concerned how jail time could affect such things as a defendant’s employment and family, Sigal says.

“What about the family, the job of the woman killed by the drunk?” asks highway Secretary Rahn, whose wife was injured when she was hit by a drunken driver last year.

Terry Huertaz, state executive director of Mothers Against Drunk Driving, says the group doesn’t object to plea bargains as long as felons aren’t reduced to misdemeanors and as long as the plea-bargain cases don’t involve injury accidents.

“I think it is just they (prosecutors) are overwhelmed,” Huertaz says.

District Attorney Kari Brandenburg in Albuquerque, whose office handles more than 6,000 DWI cases a year, says it’s not only the prosecution, but the entire criminal justice system that is overwhelmed.

The system is functioning reasonably well but not “as well as it should be to protect the citizens it represents,” Brandenburg says. “We could do a lot more with resources.”

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**Life sentences by Leslie Linthicum**

**DOUGLAS BINDER, 44**

Albuquerque

Trauma center doctor

“Alcohol is the reason we’re in business.”

It took a couple of years pulling night shifts in the University of New Mexico Hospital trauma center and the birth of his son to send Douglas Binder shopping for a new car. He looked for the biggest, heaviest SUV he could find — something that might stand up well in a contest with a drunken driver.

As clinical director of the emergency room that treats the most severe injuries from across the state, Binder sees firsthand how often driving and alcohol mix with tragic consequences.

Five years at University of New Mexico Hospital and two years before that as a doctor in Gallup have turned the native New Yorker into a self-described “raving and raving maniac” on the subject of drunken driving. His experience patching up drunken drivers and their victims has taught him that New Mexico’s DWI problem is horrendous.

“It’s not getting better. Cars are getting safer, and we’re getting more sophisticated at treating people,” Binder says. “The problem is tremendously underrated. It’s awful. It’s absolutely awful.”

And Binder sees things others do not: Drunks who have crashed their cars and gotten to the hospital without being detected by police. Under state law, Binder cannot report them. He patches them up and sends them back to the streets.

“You feel like it’s a revolving door,” Binder says. “And it is.”

When a trauma patient arrives, Binder gets a thumbnail sketch of where the accident happened, who hit whom and what vehicle the victim was in. That information has changed the way the doctor lives his life.

He and his wife stay off two-lane roads after dark. They stay home more often. And they put their faith in a big, heavy truck.

“I get to see this firsthand in a way that other people don’t. It’s not an abstract concept to me,” says Binder. “I’m terribly nervous.”

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**MICHELLE JIMENEZ, 34**

Belen

Killed by a drunken driver

“This wasn’t going to happen to us. This was something that happened to other people.”

**Cindy Valenzuela, stepmother of Michelle Jimenez**

Michelle Jimenez was a late bloomer, but she was proving that the wait was worth it.

In 1998, Jimenez was 34, a recent college graduate with big dreams of going to medical school, then volunteering as a physician in Latin America.

She had dropped out of high school at 15 and concentrated on having babies and raising children. She had four boys, the youngest still in elementary school, when she decided it was time for her life to take on a new dimension. She enrolled in college at the University of New Mexico’s Valencia County branch and encouraged her mother to do the same.

Jimenez was serious about becoming a doctor. She became a certified emergency medical technician and signed on to shadow a local doctor.

Jimenez graduated with honors in May 1998.

“She just wanted to learn everything there was to learn,” her stepmother, Cindy Valenzuela, said. “She turned her life around. She was going to be someone and make a difference.”

Two weeks later, Jimenez was crossing the street in the crosswalk in downtown Los Lunas at 2:30 p.m. when a pickup, running a red light, hit her. She bounced onto the pickup’s hood and rolled off. The driver kept going.

Jimenez died instantly. The pickup driver, Daniel F. Gonzales, turned onto a ditchbank. Witnesses found him there throwing beer cans out of his truck.

As part of a plea agreement that cut his prison sentence to 14 years, Gonzales, a 38-year-old with seven DWI convictions, agreed to detail his activities on the day Jimenez died.

He had gotten off work in Albuquerque at 7 a.m. and started drinking beer with friends, he said in a statement. They bought a case of beer in Albuquerque, played basketball, watched TV and drank some more, he said. Then he got in his truck to drive home.

He did not remember hitting Jimenez.

“I was so exhausted from working and drinking beer,” Gonzales wrote. “I could hardly stay awake. Next thing I know, I heard this noise. I’m thinking, and saying to myself, ‘Oh, no. What have I done? Something isn’t right.’ ”

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She adds, “To some degree, we’re giving lip service” to being tough on drunken driving. Rahn says those in the criminal justice system continue to deflect blame until the public demands change in how it deals with DWI offenders.

“When the system believes that something has to be done, it can respond,” he says, pointing to the progress the state made against drunken driving after the much-publicized crash on Christmas Eve 1992 that killed Milford’s daughter and three granddaughters.

Failure to comply

Sheriff’s Deputy Shawn Beck said he spotted Anthony Rodriguez driving recklessly just south of Santa Fe on May 16, 1999. Rodriguez then led Beck on a chase at speeds of up to 117 mph on busy N.M. 14, according to the deputy.

Rodriguez: No jail time imposed for disobeying court

Magistrate Bill Dimas

“We’d be sending all these guys to jail (for noncompliance). The county would be yelling at us because they have to pay for it.”

It was his second arrest for drunken driving in three months, and Rodriguez was convicted a month later of second-offense DWI and other crimes.

Rodriguez also was ordered to get alcohol treatment, perform 48 hours of community service and attend DWI school. But Rodriguez failed to complete alcohol treatment and community service.

People knew that Griego, a successful businessman and a long-time state senator, was an alcoholic. Except him.

Griego’s days went like this: Up in the morning, bleary-eyed and regretful. An argument with his wife and a 45-mile drive from his home in San Jose into Santa Fe. An hour or two behind the desk at the title company he owns, then lunch at 11 a.m. at one of his favorite bars — the Bull Ring, the Palace Bar or Tiny’s.

He would start with beer. After six or seven, he would switch to Crown Royal and Diet Coke and drink 10 or more of those. At 6 or 7 p.m., he would drive the 45 miles back to San Jose — drunk, every time. “I’d have a couple more drinks at home, and I’d get up in the middle of the night and have another one.”

Everybody knew that Griego was in the company of his home, and he is in the office every afternoon and loving it.

ROSE PALMISANO/JOURNAL

PHIL GRIEGO, 53
San Jose
Convicted twice of DWI

There were times when I’d black out, and I’d wake up at home and say, ‘Geez, how did I get here?’

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Gov. Gary King’s deputy. According to the driver, that meant up to 117 mph on busy N.M. 14.

Rodriguez then led Beck on a chase at speeds of up to 117 mph on busy N.M. 14, according to the deputy.

Rodriguez was arrested twice on bench warrants for noncompliance and brought back before the court. Dimas also could have revoked the remainder of Rodriguez’s probation and put him in jail. He didn’t.

The Rodriguez case isn’t unusual.

The Journal review of DWI cases found at least 114 of the 226 drivers convicted didn’t comply with their sentences and only a handful received jail time.

“We’d be sending all these guys to jail” for noncompliance, Dimas says. “The county would be yelling at us because they have to pay for it.”

Griego is in prison for a second drunken driving conviction.

He says he has started to give lengthier probation periods to drunken drivers to avoid the court running out of time before it can obtain compliance. Rodriguez, now 27, eventually complied with the judge’s order for alcohol treatment. He recently said he had stopped drinking.

“I’m not an alcoholic,” he said.

Case dismissed

The accident report says this is what happened:

About 10 on the night of May 21, 1997, Jerome Brown of Rio Rancho got off Interstate 40 near Downtown Albuquerque but didn’t stop for a red light as he headed onto Fourth Street.

Brown hit a cruiser driven by a Bernalillo County sheriff’s sergeant. The sergeant apparently wasn’t hurt, but the cruiser was heavily damaged.

Sheriff’s Deputy Tom Lujan, who was called in to investigate, arrested Brown for DWI. It was Brown’s second arrest for drunken driving in less than two years.

For a second-offense DWI, Brown hit a cruiser driven by a Bernalillo County sheriff’s sergeant. The sergeant apparently wasn’t hurt, but the cruiser was heavily damaged.

Sheriff’s Deputy Tom Lujan, who was called in to investigate, arrested Brown for DWI. It was Brown’s second arrest for drunken driving in less than two years.

Rode Palmisano/Albuquerque Journal

It was his second arrest for drunken driving in three months, and Rodriguez was convicted a month later of second-offense DWI and other crimes.

Magistrate Bill Dimas sent him to jail for 15 days, ordered a year of probation and fined him more than $1,000.

Rodriguez also was ordered to get alcohol treatment, perform 48 hours of community service and attend DWI school.

But Rodriguez failed to complete alcohol treatment and community service.

He also violated his probation when he was arrested again in February 2000 for drunken driving, driving with a revoked license, receiving stolen property, careless driving, resisting arrest and negligent use of a firearm.

State law sets mandatory jail terms ranging from two days to 60 days for drivers convicted of misdemeanor DWIs who don’t comply with their sentences.

For a second-offense DWI, which Rodriguez had been convicted of, the mandatory time is seven days.

But Dimas imposed no time, despite having Rodriguez arrested twice on bench warrants for noncompliance and brought back before the court.

Dimas also could have revoked the remainder of Rodriguez’s probation and put him in jail. He didn’t.

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The Journal review of DWI cases found at least 114 of the 226 drivers convicted didn’t comply with their sentences and only a handful received jail time.

“We’d be sending all these guys to jail” for noncompliance, Dimas says. “The county would be yelling at us because they have to pay for it.”

He says he often extends compliance time for DWI offenders but keeps newly set deadlines within their probation periods.

“We’ll work with them,” the judge says. “We’re not here to throw them in jail every time they look the wrong way.”

Social work

Linda Atkinson, executive director of the DWI Resource Center, says courts don’t recognize that their job is to apply the laws.

“They think their role is social worker,” she says.

Flint adds: “They’re doing social work with the wrong people. The ones that most need the help (victims of DWI) are invisible to the courts. Our judicial system views DWI as a victimless crime and treats it accordingly.”

Senate Judiciary Chairman Michael Sanchez, D-Belen, says he has been telling fellow lawmakers and the governor for years that courts need more help in monitoring compliance of those they sentence.

Most courts do the best they can with the money they have, and jail crowding is a legitimate concern, Sanchez says.

“There is so much pressure on the system,” he says.

He says he opposes mandatory sentencing but expects judges to follow such laws if passed by the Legislature.

Dimas, one of three judges in Magistrate Court in Santa Fe, says the court has just one person monitoring DWI offenders for compliance.

He says he has started to give lengthier probation periods to drunken drivers to avoid the court running out of time before it can obtain compliance.

Rodriguez, now 27, eventually complied with the judge’s order for alcohol treatment. He recently said he had stopped drinking.

“I’m not an alcoholic,” he said.
He denied the charge and was never convicted.

When the case went to trial in January 1998, Lujan didn’t appear.

“Possibly in training,” wrote then-Metropolitan Judge Neil Candelaria, who was forced to dismiss the charge.

Lujan said recently he hates to lose any case, especially one where an officer was hit.

He said he couldn’t recall why he wasn’t available for the trial but said officers miss court dates for a variety of reasons. They may be off work, in training, or before another judge, he said.

“That’s something that happens,” he said.

Of the 300 DWI cases reviewed by the Journal, there were 80 dismissals or not-guilty findings. At least 33 of those were dismissed because of the prosecution. Officers failing to appear at trials and “state not ready” for trials were the most common reasons given in case files.

Prosecutors also failed to bring some cases to trials within the required six months and failed to prosecute or dropped other cases.

Of the 33 cases dismissed because of the prosecution, 24 were in state Metropolitan Court for Bernalillo County. The county handles far more DWI cases than any other county and also has one of the worst conviction rates.

Brandenburg says her office struggles daily with the issue of how it can work better with judges and police to prevent cases from being dismissed.

But the bigger issue is alcohol abuse, and the criminal justice system can’t be expected to solve that problem when family and schools have failed, she says.

New Mexicans need to change their attitudes about alcohol, she says.

“Even if our system works perfectly, will it prevent the deaths and nightmares caused by DWI? Brandenburg asks. “Maybe some, maybe not.”

Miguel Martinez spent his entire life in Velarde, a strip of rich farmland where the Rio Grande spills out of Embudo Canyon and begins to empty into the Española Valley.

Even though he seldom left the snug valley, he was known by people throughout New Mexico. Martinez owned Mike’s Cash Store, a grocery store and gas station in Velarde, for most of his life. He squeezed every penny from the business, and he loved to chat with customers from behind the counter.

“The best gift he gave me was the gift of gab and how to sell,” said his son, Michael. Martinez remembered the Great Depression. Even though his business did well, he encouraged his wife to mend his pants and shirts long after his children thought they should go in the rag bag.

Martinez worked until well into his 70s, then closed the store and settled into retirement. He was up with the crows every morning, had breakfast with Sylvia, his wife of 56 years, and then headed out on a three-wheel ATV to feed his pigs and chickens and check on his orchards.

He was riding the ATV to give a message to his son, Michael, on Nov. 19, 1996, when a driver turning off a county road onto N.M. 68 crashed into the cab.

Miguel Martinez, 79
Velarde
Killed by a drunken driver

“He could sell anything. And he saved every penny.”

Michael Martinez, Miguel Martinez’s son

Narvaiz’s small pick-up was stopped on Indian School at Tramway waiting for the light to turn green when Gene Adams, a 30-year-old heavy-equipment operator who had been drinking with his boss, slammed his larger pickup into them from behind.

His truck rode up on Narvaiz’s truck, and its front end crashed into the cab.

Cheryl Rodgers, 16
Moriarty
Killed by a drunken driver

“I never worried about her”

Tony Carrejo, Cheryl Rodgers’ mom

Cheryl Rodgers was headstrong and opinionated and had little patience for people who complained or made excuses for their failings. Drunk driving, her mother says, was one of Cheryl’s pet peeves.

She was only 16, a junior at Moriarty High School, but she already had her goals set and her plans in motion. To attend the University of Colorado at Boulder and then go on to medical school to become an orthopedic surgeon.

Rodgers served up all that strong will and drive with a tremendous grin. It was her trademark — along with an infatuation with Mickey Mouse, her love of red roses and her dedication to aerobics classes and volleyball.

“She was famous for that big smile,” says her mother, Toni Carrejo. “And she liked boys — too much.”

Rodgers had been friends with Preciliano Narvaiz all through high school, but they had just started going out as a couple. They were all set to go to the prom and decided to make a trip into Albuquerque on April 19, 1996, to finalize some prom plans and to have dinner and see a movie.

At 10:30 that night, Rodgers was killed. The hardest thing Toni Carrejo had to do after rushing into Albuquerque and saying goodbye to her youngest daughter at the hospital was to tell her older girls their little sister was dead.

A year later, Carrejo agreed to meet Adams in Moriarty and lead him to the cemetery where Cheryl was buried.

“It was such a long road for me,” Carrejo told him, “I don’t have any more room to hate you.”
“The defense has figured out we have a pretty offender-friendly system.”

GLEN ELLINGTON, STATE TAXATION AND REVENUE SECRETARY

“Not All Licenses Yanked
REVOCATION IS AUTOMATIC WITH DWI ARRESTS, BUT DRIVERS ARE MORE SUCCESSFUL IN FIGHTING PENALTY

BY THOMAS J. COLE
JOURNAL INVESTIGATIVE REPORTER

Motorists who drive drunk are supposed to lose their licenses for at least 90 days, regardless of what happens in court.

Increasingly, that isn’t happening.

New Mexico, like many states, has what is called administrative license revocation that is separate from the court process.

Administrative revocations ranging from 90 days to one year are automatic unless challenged before state hearing officers.

Terrance Schiavone, a state highway official and former executive director of the National Commission Against Drunken Driving, says administrative revocation was created because of failures in the court system.

It is the only part of the DWI system that now delivers something close to swift and sure punishment, he says.

But more drivers accused of drunken driving are fighting the loss of their licenses in administrative proceedings.

And more are winning.

“The defense has figured out we have a pretty offender-friendly system,” says state Taxation and Revenue Secretary Glenn Ellington.

Those DWI offenders who win administrative revocations but are convicted in courts still face loss of the court-ordered license.

Drivers convicted of first-offense DWI lose their licenses for one year if they don’t attend DWI school. Repeat offenders lose their licenses for a period of one to 10 years.

Ellington oversees hearing officers who rule on appeals from drivers fighting administrative revocations. The length of revocation depends upon a driver’s age, whether a blood-alcohol test was refused and the driver’s DWI record.

The state must show at the hearings that:

- The driver was arrested.
- The driver refused to take a blood-alcohol test or if the driver submitted to a test, the blood-alcohol content was at least .08 for a driver 21 or older or at least .02 if the driver was under 21.

A total of 4,782 drivers challenged administrative license revocations in 2000, the most appeals since 1993, according to a study by the Division of Government Research at the University of New Mexico.

The hearing officers sustained revocations in 42 percent of the cases but rescinded revocations in 48 percent.

It was the highest percentage of rescinded revocations since at least 1985, the study says.

“This is another way for people to get out from under” DWI penalties, says Santa Fe Police Chief John Denko, a former State Police chief and president of the New Mexico Municipal Chiefs of Police Association.

The overwhelming majority of the rescinded revocations were caused when police officers failed to attend hearings on their arrests.

Also a problem is a law requiring that a hearing be held no later than 90 days after the division notifies a driver of revocation.

Some in law enforcement complain about the burden of police attending the hearings.

They also say hearing officers treat police with disrespect and that defense attorneys are allowed to question officers about issues not germane.

Denko and others support doing away with administrative license revocation and leaving license suspensions and revocations for drunken driving up to the courts.

“The person has to go to court anyway,” he says.

Currently, however, administrative license revocation is more successful than the courts.

More than 89 percent of drivers arrested for DWI in 1999 lost their licenses in administrative revocation. That was far above the court conviction rate of 65 percent recorded in that year, according to the state DWI Citation Tracking File.

Administrative license revocation is considered by experts to be one of the most effective tools in deterring drunken driving.

But Ellington says it needs to be reformed or abandoned.

Drivers don’t attend the hearings, leaving police officers on their own to face defense attorneys.

Ellington says defense attorneys, in questioning officers, are using the hearings to find evidence to bolster their cases on the criminal side.

“It’s all about fighting the conviction,” he says. “The real frustration is that this has turned into a minutria.”

Ellington tried but failed this year to get the Legislature to approve a bill that would have changed procedural and evidence rules for the hearings.

He also wanted hearing officers to have the option of holding hearings by telephone, making it easier to accommodate police schedules and saving some cases that otherwise would have been lost to the 90-day rule.

Schiavone says he opposes doing away with administrative revocation but agrees that changes are needed.

Ray and Christine Hobb worked hard, selling and installing television satellite systems on the Navajo reservation and making and selling silver jewelry in their spare time.

Not that they had much time to spare. Not with seven children—one in diapers, two in high school and four in between.

Ray and Christine had been married for 18 years and still enjoyed spending their days working together and their evenings watching one of their children play basketball or taking the kids into Gallup for hamburgers.

On March 13, 2000, Ray and Christine got a paycheck and headed into Gallup in the afternoon. The older kids were still in school, so only the 8-month-old baby, Safawntyra, came along.

They cashed the paycheck, bought groceries and did some more shopping, putting a computer and some clothes for the kids on layaway. Then they headed to McDonald’s for a late dinner.

Ray Hobb was driving the pickup as they pulled out of McDonald’s in downtown Gallup and, on a green light, pulled onto U.S. 66, the main street that bisects the town.

Johnny Caballero had been drinking at a nearby bar that evening and drove out of the parking lot without his lights on and led police around Gallup side streets for several minutes when he pulled onto U.S. 66.

Police backed off, but Caballero was running red lights and going an estimated 100 mph when he slammed into the side of the Hobbs’ pickup.

The truck was torn into two pieces, and Ray and Christine were dead. Safawntyra died hours later.

At home, six children waited for their parents, frightened and alone. Grandparents and aunts and uncles stepped in to take care of the five older girls and little Ray Jr.

After the funerals, Christine Hobb’s mother, Marie Cornfield, said the family could take at least some comfort in Ray and Christine’s decision to not take the entire family into town that afternoon.

Caballero pleaded guilty to three counts of vehicular homicide.
Noelle Arrangoiz and Steve Smith were driving from Denver to Santa Fe for a long weekend when they stopped for gasoline in Las Vegas, N.M. “The last thing I remember saying to Steve was, ‘I think this is the way back to the highway.’” Arrangoiz says. She was at the wheel of a silver Honda Accord when it was hit broadside at the intersection of Grand and University avenues by a drunken driver speeding through a red light.

Smith, 38, died instantly in the crash on the evening of Feb. 17, 2001. The drunken driver was a repeat DWI offender. And she was just 15.

New Mexico’s juvenile justice system is failing children and society when it comes to dealing with minors arrested for drunken driving. When juvenile DWI offenders repeat as adults, judges are less likely to know about their arrests as minors. That often translates into lighter sentences.

Krystle Duran, the drunken driver who killed Smith, entered into a consent decree for her first DWI arrest. Under the decree, the case would be dismissed after six months’ probation. She crashed into Arrangoiz and Smith before the six months had ended. Duran is now serving two years in a juvenile facility for homicide by vehicle.

Arrangoiz, 41, is still receiving physical therapy for injuries suffered in the accident. And there is the emotional hurt of losing Smith. The couple, both rock climbers, had lived together for a year. “I’m having a hard time wrapping myself around the fact that he is gone,” Arrangoiz says. “I knew he was a person I was going to spend the rest of my life with.”

Arrangoiz says juvenile drunken drivers need to be held accountable and that consent decrees like that in Duran’s first DWI arrest aren’t adequate. “I definitely think it sends the wrong message,” she says.

She now warns friends traveling to New Mexico about the state’s problem with drunken drivers. “You live in a beautiful state, but I never want to go back there,” she says.

The next generation

New Mexico has one of the worst teen-age crash death rates in the nation. About 5,000 teen drivers are injured or killed every year in the state.
STARTING YOUNG

Drinking and driving is a big part of the problem. In New Mexico, DWI is the leading cause of death and injury in New Mexico for people between the ages of 1 and 44.

The amount of alcohol minors consume and their inexperience in driving can lead to catastrophic results.

“We can’t accept this,” says Lory Garcia, director of the Juvenile Justice Division of the state Department of Children, Youth and Families.

A person who begins drinking at age 16 or 17 has a nearly five times greater chance of becoming involved in an alcohol-related crash as an adult.

“Faced with our next generation of drunk drivers,” says Terry Huertaz, state executive director of Mothers Against Drunk Driving.

For the years 1990 through 1999, there were 4,512 arrests of minors for DWI in New Mexico. About 300 were arrested more than once.

For those minors who had a recorded blood-alcohol level when arrested, the average was nearly .13, well above the legal limit of .08.

When a minor is arrested for drunk driving, the matter is referred to Garcia’s division.

The division has the option of handling the case informally — meaning no permanent record or time in a juvenile lockup.

Or, Garcia’s division can refer a juvenile DWI arrest to a district attorney, who in turn can take the case to Children’s Court. That happens in most cases involving minors arrested for DWI.

Didn’t get the message

Robert R. Chavez of Albuquerque was first arrested for DWI in 1988 at age 17. His blood-alcohol content was a staggering .19 — more than twice the current legal limit.

Like Duran in her first drunken driving arrest, Chavez entered into a consent decree. He agreed to probation for six months in exchange for the charge being dismissed.

The probation agreement called for Chavez to attend an alcohol-treatment program, report to a probation officer at least once a month, obey his parents, go to school, be home by 1 a.m. on Fridays and Saturdays, and not drink or take drugs.

He completed the probation but apparently didn’t get the message about drinking and driving.

Chavez was arrested for drunken driving again in 1993 as an adult. That case was dismissed when the arresting officer failed to appear for trial.

Chavez drove drunk for the last time on the evening of Feb. 3, 1995.

He was heading south on Tramway Boulevard on a motorcycle shortly before 10. He was speeding, estimated between 85 and 122 mph.

A teen-age girl heading north on Tramway turned west onto Academy Road, unaware of the motorcycle’s high rate of speed and believing she had enough time to clear the intersection. She didn’t.

Chavez was dead in an instant. His body was torn apart. A severed leg struck the traffic light some 18 feet above the intersection.

Process complicated

There were 475 juvenile DWI arrests in the 12 months ended June 30, 2001, according to data from the Department of Children, Youth and Families.

About 100 of those cases never made it to court or were dismissed by judges once they did. Another 147 arrests resulted in convictions like those entered into by Chavez and Duran.

“You aren’t doing any favors for these kids,” says Santa Fe Police Chief John Denko, a former State Police chief and president of the New Mexico Municipal Chiefs of Police Association.

“We’re sending the opposite message,” Denko says. “We still have to accept that they are kids.”

Some of the cases are still pending and other files had incomplete information.

Of the finalized cases in the data provided by the Department of Children, Youth and Families, 117 of the arrests resulted in judges finding the juveniles to be delinquent and imposing probation.

Judges imposed time in a juvenile lockup in 30 cases.

The important thing about judges sentencing juveniles to probation or jail time is that the conviction usually goes on the offender’s driving record. That means judges have something to consider if the driver repeats the crime as an adult.

The way juvenile DWI arrests are handled by the justice system can be discouraging to law enforcement.

“They know it’s the black hole,” says Linda Atkinson, executive director of the nonprofit DWI Resource Center in Albuquerque.

Arresting juveniles for DWI is much more time consuming than arresting adults.

EULYNDA TOLEDO-BENALLI, 48

Albuquerque

Injured by a drunken driver

“My physical pain feels like a ball and chain. There’s a weight that holds me down.”

After the head-on collision, after the two-hour ordeal of being cut out of her van, after the three weeks in the hospital, the 13 surgeries and the months at the rehabilitation center, Eulynda Toledo-Benalli went home in a wheelchair.

An elementary school teacher and a runner of half marathons before the accident, Toledo-Benalli had to learn to walk again with a cane. Running was out of the question. Climbing stairs was a painful and exhausting chore. Even sitting for more than 20 minutes was hard.

Toledo-Benalli, a member of the Navajo tribe who had grown up in Fort Wingate, had survived a collision with a drunken driver on a two-lane reservation road. People told her she was fortunate. But she didn’t feel lucky. Within a few months of coming home, depression hit.

“I was crying all the time,” Toledo-Benalli recalled. “Why is this the end of my running career? Why can’t I teach anymore? Why is this so hard? Why has my whole life changed so dramatically?”

Toledo-Benalli had been driving with five students from the Cañoncito elementary school in preparation for a summer wilderness camp expedition on June 10, 1993, when the van was hit. The driver of the truck that hit her was killed.

Toledo-Benalli had a crushed pelvis, a torn liver, two collapsed lungs and a crushed right leg. She also had three children at home — a 13-year-old daughter, a 2-year-old daughter and a 1-year-old son.

The people of Cañoncito sent meals to the house and Toledo-Benalli’s mother took care of her and the children during the day. At night, her husband, David, managed the household.

It took a therapist’s help for Toledo-Benalli to accept that she would never go back to the physically active life she had before.

Her activity now is mental and intellectual.

She is completing her doctoral dissertation at the University of New Mexico and produces documentaries for KUNM-FM.

Three years ago, as she was making headway in her emotional healing, Toledo-Benalli ventured out after dark to attend a lecture at UNM. On her way home, four blocks from her house, she was hit by a car that ran a red light. Police told her the driver’s blood-alcohol level was four times the legal limit.

ANGELA PORTILLO, 21

Albuquerque

Killed in crash

“I felt like somebody ripped out my heart. Oh, God, it was the worst day of my life.”

LISA MEEK, ANGELA PORTILLO’S MOTHER

Angela Portillo hit her bumps in life early. A dropout from the Albuquerque Public Schools alternative School on Wheels, she was the divorced mother of two girls by the time she was 17.

But Portillo dotted on her daughters, 3-year-old Evie and 1-year-old Tanya. And she was intent on making a good life for them. She got her own apartment in Albuquerque in the spring of 1998 and decorated it with sunflowers. She received her high school equivalency diploma and got a job as a security guard. Within two months she had been promoted to supervisor.

Portillo worked a night shift, and her mother, Lisa Meek, stayed with the girls after she got off work as an operating room technician.

On a rare night off in August, Portillo and two friends decided to take the girls to the fiesta in Española. Instead of Portillo taking them in her Chevy Cavalier, they decided to go in her friend’s new Jeep.

They spent the evening at the fiesta and then stopped in Santa Fe and had some drinks at a relative’s house. Portillo was fiercely protective of her girls, but she was drunk in the back seat of the Jeep when the group left Santa Fe and headed down Interstate 25 that night, according to Meek.

“Just took one time to put those girls in danger,” Meek said. “You’re not in the position to make decisions when you’re so loaded.”

Near La Bajada, the Jeep crossed into the highway median and rolled. All three adults were thrown from the vehicle. The children, buckled in seat belts in the back seat, were fine.

Gov. Gary Johnson and a New Mexico State Police officer came upon the crash within seconds. Johnson held Portillo, he later told her mother, and she died in his arms.

The owner of the Jeep, Denice Godinez, initially told police she was driving, then later she said she was not. Her blood-alcohol level was above the legal limit, and she pleaded guilty to two counts of aggravated battery for her role in the crash and was put on probation.

A cross stands at the site Portillo died, and her mother has decorated it with the wings of an angel.

COURTESY PHOTO
STARTING YOUNG

Intoxicated minors must be checked by doctors before being placed in juvenile facilities, and many counties don't have such facilities. That means some officers must make long drives to other facilities just to place the juvenile in detention.

“All law enforcement can do is pick them up and put them into the system and hope for the best,” says Richard Ness, executive director of the New Mexico Sheriffs and Police Association and a former Torrance County sheriff.

“The whole system is loaded up to benefit the juvenile,” Ness says.

He and others suspect some officers charge juvenile drunken drivers with the lesser offense of being in possession of alcohol to avoid the hassles.

Repeat offender

Ike Trujillo of Española was first arrested in August 1995 for drunken driving when he attempted to pass on a curve on N.M. 76, lost control and flipped his car. He was 17.

Trujillo’s second arrest for DWI came a month later when he drove a car into an irrigation ditch.

There is no record either of those arrests ended up in court.

Trujillo’s next DWI arrest came when his car swerved and nearly struck another vehicle. Trujillo was 17 then. His blood-alcohol content was .20.

A children’s judge ordered Trujillo to serve 48 hours in detention and two years on probation.

The judge also ordered him to obtain a high-school equivalency degree, attend treatment and perform 100 hours of community service.

Trujillo didn’t comply with the sentence, and juvenile authorities reported he still had an alcohol problem when they recommended termination of his probation in 1998.

None of Trujillo’s three arrests as a juvenile resulted in a recorded conviction.

But even if they had been recorded, they could not have been used to enhance his sentence as a repeat DWI offender as an adult.

Trujillo was arrested for DWI a fourth time in 1999. Then 20, he was found guilty of first-offense drunken driving in Española Municipal Court.

Trujillo spent nine days in jail for not complying with the judge’s orders to attend DWI school and a victims panel on the impact of drunken driving.

The juvenile justice system’s ineffectiveness in dealing with Trujillo isn’t unusual.

Of the juveniles arrested for DWI from 1990 through 1994, about 40 percent were arrested again for drunken driving before the end of the decade — about the same as the rate for all drivers 18 and older arrested for DWI.

Age specific

Dante Gonzales of Los Lunas was arrested once for DWI at age 15 and twice at age 17. None of the arrests resulted in a conviction on his driving record.

He was picked up again for drunken driving in March 1992. By then he was 21.

Just a few days after the arrest, an alcohol counselor sent a letter to Gonzales’ employer and mailed a copy to the state magistrate handling the DWI case.

“Mr. Dante Gonzales has taken it upon himself to begin weekly individual counseling,” the letter said.

“Mr. Gonzales is receptive to counseling and stated the drinking on March 27, 1992, which led to a DWI was an isolated incident,” the letter added.

Whether the judge believed Gonzales’ drinking was an isolated incident isn’t known. (He was later busted again for DWI.) But the case is an example of what some people believe is a problem with the way many juvenile DWI arrests are handled.

Of the 4,532 arrests of minors for drunken driving from 1990 through 1999, only 1,174, or 26 percent, resulted in recorded convictions on driving records.

And judges aren’t aware of DWI arrests unless they result in recorded convictions. When Gonzales was arrested for DWI as an adult, there was no way for the judge to know of his three arrests as a minor since none resulted in recorded convictions.

Even a conviction for DWI as a juvenile can’t legally be used against an adult for purposes of finding the adult guilty of a repeat drunken driving offense.

However, a judge can take juvenile convictions into account when sentencing.

“The amount of intervention we provide could be increased,” says J. Michael Kavanaugh, a Metro Court judge in Albuquerque.

For example, Kavanaugh says, if he were aware of a juvenile arrest for DWI, he could order to the devastation of the lives lost to DWI and the high price that we pay here,” Britton says.

Britton has applied for non-profit status, calling the memorial “DWI Memorial of Perpetual Tears Park.” The group is looking for 3 to 5 acres along I-40 in or near Moriarty.

An architecture student has designed the park. And Britton designed the markers, each one a simple powder-brushed steel headstone etched with three teardrops. Tears, she says, because “you never stop crying.”

Britton knows.

In 1991, her only son was riding his motorcycle outside Durango when a car crossed the center line and plowed into the car that was in front of him, killing the two women occupants.

He hit that car and, although he was wearing a helmet, the force of the crash tore his femoral artery and he bled to death.

MONTY “Butch” Britton was 30 years old and had an 11-month-old son.

The 24-year-old driver that caused the crash had lost his license because of prior drunken driving convictions.

He was sentenced to 16 years in prison for DWI, vehicular homicide and other charges in the crash that claimed Britton’s life.

Her son’s death opened Britton’s eyes to the ongoing carnage that results from the mixture of alcohol and driving. She hopes the memorial will do the same for others.

“We need to recognize the fact that we’re in a war here,” Britton says, “and we need to recognize the victims of this war.”

RONNY FRAZEE, 31

Moriarty

Former drunken driver

“Everybody else had a problem, but I didn’t.”

Ronny Frazee never thought much about the sequence of events that landed him in court four times in a little more than 10 years.

“You go to the bar, have a few beers and you go home,” Frazee says. “And you drive.”

Arrested for DWI for the first time in Truth or Consequences when he was 19 and again in Albuquerque when he was 24, Frazee went to court, paid his fines, accepted the court’s counseling and got right back on the road.

“I’d go talk to my counselor,” he says, “stop and get me a quart and drink it on the way home.”

Then Frazee, a dropout from Rio Grande High School, turned 30 and realized he had a good job that he liked and a girlfriend committed to staying with him despite his drinking binges.

Back-to-back DWI arrests in Albuquerque and Moriarty last year got Frazee’s attention. He did 90 days in the Torrance County Detention Center and was enrolled in a Metropolitan Court program in Albuquerque that combined acupuncture, regular urine and blood screenings, counseling and community service.

More than a year later, Frazee says he no longer drinks or drives. The court has taken his driver’s license away, and Frazee knows he can never touch alcohol again if he is going to keep his record clean.

“I love to shoot pool but I can’t,” he says. “If I go into a bar and shoot pool, I’ll drink a beer. And if I drink a beer, eventually I’ll drive. So I just can’t.”

Frazee, a carpenter, has also evolved into an advocate for tougher DWI laws.

“If it was up to me, you’d do five to 10 years in prison for the first one,” Frazee says. “There’s a lot of people getting hurt and dying, and it’s got to stop.”

SONJA BRITTON, 62

Moriarty

DWI activist

“I would like to see New Mexico start something.”

In Sonja Britton’s dream, everyone who comes in and out of New Mexico along Interstate 40 is confronted by the terrible price New Mexicans pay for allowing drunks to drive.

In her dream, a field of white gravestones rises along the side of the interstate. Each gravestone represents one person killed in an accident that involved alcohol in New Mexico in the past five years.

In her dream, there are more than 1,000 of the headstones marching across the plains.

Britton’s dream is based on reality. Drunken driving routinely costs more than 200 lives a year in New Mexico.

Britton, who runs a self-storage business with her husband in Moriarty, hatched the idea of a roadside memorial to honor the dead and confront the living.

“I want their eyes to be open to the devastation of the lives lost to DWI and the high price that we pay here,” Britton says.

Britton has applied for non-profit status, calling the memorial “DWI Memorial of Perpetual Tears Park.” The group is looking for 3 to 5 acres along I-40 in or near Moriarty.

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STARTING YOUNG

supervised rather than unsupervised probation for an adult offender.
He says he doesn’t like having different courts for juvenile and adult DWI offenders but says judges who handle minors need to be qualified to do so.
“DWI is one of those crimes that doesn’t respect age boundaries,” Kavanaugh says.

Changes urged

New Mexico spends millions of dollars a year trying to convince minors not to drink and to catch them if they do.
Under a law enacted in 1994, drivers under 21 need only have a blood-alcohol content of .02 to lose their licenses for six months.
But some people believe more work needs to be done.
Atkinson says minors arrested for drunken driving should be tried in adult courts.
“If you’re old enough to drive, you’re old enough to suffer the adult consequences,” she says. The adult court system “will make more of an impression on juveniles.”

A minor found to have been driving drunk in a fatal accident can be committed to a juvenile facility for a maximum of two years.
Nadine Milford, state chairwoman of Mothers Against Drunk Driving, says that is simply not enough punishment for such a serious offense.
But District Attorney Kari Brandenburg in Albuquerque says she doesn’t believe adult courts are an alternative for juveniles accused of DWI.
“Are you going to say the adult system is better?” Brandenburg asks.

Some propose some sort of mandatory sentencing for juveniles similar to that in place for adults.
“We need to have them (juveniles) jump through hoops so they don’t do it again,” says District Attorney Matthew Sandoval in Las Vegas, who also heads the state association of DAs. “We need to raise the bar.”

Alcohol-abuse screening is mandatory in all adult cases, and community service is required for some repeat offenders.

The state this year also enacted a law mandating ignition interlocks for some first-time adult offenders and all adults found guilty of a repeat DWI. The locks disable a car when a driver is intoxicated.
These laws don’t apply to juvenile drunken drivers.

A federal guide for prosecutors and judges says minors accused of drunken driving need to be handled in a way that protects the public, holds them accountable to the community and victims, and provides education and treatment.

David Schmidt, executive director of the New Mexico Council on Crime and Delinquency, says he opposes changing the Children’s Code to have juvenile DWI offenders treated as adults.
But Schmidt says the Children’s Code could be amended to include mandatory sentencing for minors and to create special courts to handle juvenile DWI arrests.

Also, he says, some mechanism could be created that would alert adult court judges to the juvenile DWI arrests of drivers who come before them.

“Certainly something has to be done,” Schmidt says.

Garcia, of the Juvenile Justice Division, says he would like to speed up the normal time between a juvenile’s arrest for DWI and court action.

“Kids get a real serious message right away,” Garcia says. “He’s held accountable immediately. The longer we wait the more apt they are to get into trouble again.”

Cases can take months to make it to court, he says.

Garcia says consent decrees are appropriate in DWI arrests where there aren’t other signs of trouble — such as bad grades in school and trouble at home.

“People are worth taking a chance on,” he says. “The vast majority are kids. They are going to be OK.”

But, Garcia says, consent decrees are appropriate when juveniles repeat as drunken drivers.

Communities need to get involved in the juvenile DWI problem by changing their permissive attitudes about kids and alcohol and by providing community-service opportunities for children who get into trouble, Garcia says.

“A lot of communities don’t want to take responsibility,” he says. “We can’t give up.”

“DWI is one of those crimes that doesn’t respect age boundaries.”

J. MICHAEL KAVANAUGH

METRO COURT JUDGE

life sentences

by Leslie Linthicum

BREANN WILSON, 19

Magdalena

Killed by a drunken driver

“There was people that met her once, and they came to the funeral.”

ARCH WILSON, BREANN’S FATHER

Arch and Cecilia Wilson had done their jobs.
Their younger daughter, Breann, had breezed through high school, winning belt buckles and saddles on the rodeo circuit and being named Socorro County Fair Queen in 1999.
She worked hard on her family’s 15,000-acre cattle ranch, riding the range on one of her horses any time she could find a reason to.
Wilson had found a good boyfriend, 18-year-old Tommy Rosales from nearby Lemitar. They had put off wedding plans so Rosales could finish diesel mechanic training in Colorado.
Wilson was a freckle-faced beauty with a sunny smile who loved family picnics and took her responsibilities seriously. She went with her friends to keg parties in high school but always volunteered to be the designated driver.
She was proud to have turned 18 and cast her vote in a presidential election.

“She was just about the most responsible person you could imagine,” Arch Wilson said. “We were really proud.”

BILLY POWELL, 67

Albuquerque

Killed by a drunken driver

“My person who pass through your life, there’s always one that gets under your skin.”

EVE SCOLAVINO, BILLY POWELL’S GIRLFRIEND

Billy Powell was born on the plains of eastern New Mexico and fell in love with horses from the time he was placed in a saddle. He was riding as a jockey at the racetrack in Raton as soon as he got out of high school.

Photos from the winner’s circle — and there are many — show a slim, handsome man with a full smile. He raced all over the Southwest and, at age 40, when his weight got the better of him, moved into the business of training race horses.

Eve Scolavino was a retired ballerina fresh from the American Ballet Theater in New York and was looking for a job with horses in her home town of Albuquerque when she met Powell in 1985 at the Downs at Albuquerque. She was 27 and had been hired on by some of Powell’s hands to help exercise horses. It was several days later when she finally introduced herself to Powell, her new boss.

“I told those guys not to hire someone,” Powell said.

“Am I fired?” she asked.

“No,” he said, “you can stay.” Within a year, Powell and Scolavino were inseparable.

They moved in together, and Powell began teaching Scolavino about thoroughbred horses. He gave her her first race horse, and the two traveled to races in New Mexico, Arizona and Texas, breeding and racing their own horses and training horses for other owners.

“Bill was a real horseman,” Scolavino said. “He understood why horses did what they did.”

Powell was happiest at a racetrack, on a golf course or in the cab of a pickup on a clear day. “He loved to drive,” Scolavino said.

Powell left Albuquerque early on July 19, 1997, to haul a horse to the Downs at Santa Fe. He was heading north on Interstate 25 at the Santo Domingo Pueblo exit when a car passed him, swerved into the median and back into his lane.

Jurors who convicted the 20-year-old driver of that car on vehicular homicide charges heard evidence that he had been drinking all night and was legally drunk that morning.

Powell jerked his truck to the right to avoid the car, scraped the concrete wall and could not control his truck and the 32-foot trailer he was pulling. His truck broke free and flipped.

Powell, who hated to wear a seat belt, was thrown from the truck and run over by its back tires.

Scolavino knows Powell would have been happy to have known that the horse survived.
LIVES LOST

Abeita, Janet
Acosta, Juan
Acosta, Leonel
Adame, Maria
Adame, Sandra
Adobe, Robert
Aguilar, Beverly J.
Aguilar, Virgil J.
Aguilera, Fernando
Aguino, Georgia
Albert, Lorenda
Allsup, Andrea
Allsup, Shannon
Alonzo, Lolita
Anchondo, Eustolia
Andrews, Edward
Angelino, Joe
Anglin, Andy
Anthony, Clement
Antonio, Herbert
Apachito, Felix
Aragon, Cisco
Archuleta, Art J.
Archuleta, Roxanne
Arellano, Daniel
Arenas, Jose
Armendariz, Jose
Armendariz-Oroz, Hector
Armstrong, James
Armstrong, Paul
Arnold, Krespen
Atem-Begay, George
Austin, Ann Beth
Awelagate, Marlo
Baca, Anthony
Baca, Catherine
Baca, Gary
Baca, Tino
Bahe, Brenna
Bahe, David
Baldonado, Lawrence
Bales, Donald
Barela, David
Barnaby, Gerald
Barnes, Jimmy
Barr, Jon
Barraza, Lorenzo
Barriga, Raul
Bayley, Brett
Becenti, Virginia
Beck, Kimberly
Beckett, Destiny
Begay, Eddie
Begay, Johanson
Begay, Michael C.
Belone, Dallas R.
Ben, Justin
Benally, Edvern
Benally, James
Benally, Wilbert Sr.
Benavidez, Patrick
Bia, Adrian
Billie, Sophia
Billy, Darrel
Bitsilly, Gerald
Blackie, Chester
Bonomo, Reno J.
Borjurquez, Maggie
Boulware, Donald
Bradley, Charles
Brown, Joliene
Brown, Terrell
Brown, Winifred
Calabaza, Stephanie
Cambridge, Carlas
Cambridge, Larry
Candelaria, Steve
Capuccilli, Gino
Carman, Lester
Casarez, Teresa
Casaus, Joseph
Castillo, Guadalupe
Castillo, Ramon
Castro, Aloata
Castro, Dimas
Cates, Richard
Charles, Farrel
Charles, Olin
Charley, Jerome
Charley, Woody
Chavez, Dennis
Chavez, Johnny
Chavez, Juan
Chavez, Robert
Chee, Isabelle
Claw, Edison
Cleveland, Benjamin
Coleman, Shawn
Concha, Seven Gifts
Concho, Lloyd
Contreras, Abe R.
1999-2001

Cornejo, Gabe
Costello, Daddrian
Cote, Craig
Couch, Maarten
Coudert, Salvador
Crack, Natalia
Crespin, Robert
Crespin, William
Crum, Rashaan
Cruz, Sylvia
Cryst, Jim
Cullen, William L.
Curley, Gerald
Currie, Thomas
Dakin, Theodore
Dale, Jerry
Danis, Derek
Dann, Dennis
Daves, Thomas
Day, Tyrone
Dean, Ronie
Delgado, Luis
Denetclarence, Irving M.
Denson, Alex
Dennison, Gillis
DíJúlio, Mary Louise
Dee, John
Dominguez, Herman
Domínguez, John
Drennen, Cheryl Jen
Duquette, Ovid D.
Duran, Edward T.
Duran, Francisco
Duran, James
Dutchover, Martha
Elcitty, Kathleen
Emote, Elsa
Enjady, Jacy
Enjady, Jamron
Ensminger, Cody
Essey, Derek
Espinoza, Tammy
Esquibel, Derrick
Esquibel, Leonard
Esquibel, Lucy
Esquibel, Tanya
Esquivel, Valentin
Evans, Nicole
Fairchild, Wiley
Ferreira, Karen
Flores, Daniel
Flores, Roland
Foreman, Scout
Fouss, Ralph
Franco, Nicholas
Franklin, Janine
Frohlich, Dwayne
Fuller, Rena
Gabaldon, James
Galindo, Ignacio
Gallegos, Brian
Gallegos, Eric
Gallegos, James, Fred
Gallegos, Joseph
Gallegos, Martin
Gallegos, Marvin
Gallegos, Roscchina
Gallo, Luciano
Ganadonegro, Alfred
Garcia, Bobby
Garcia, Davion
Garcia, Jesus
Garcia, Mike
Garcia, Patrick
Garcia, Raymond
Garcia, Santiago
Garcia, Siobhan
Garrido, Yolanda
Garcita, Juan
Glenn, Kenneth
Gomez, Shorry
Gomez-Pimental, Juan
Gonzales, Daniel
Gonzales, Daniel
Gonzalez, Antonio
Gonzalez, Maximiliano
Gonzalez, Ricardo
Graves, Michael
Gray, Sam
Green, James
Green, Lawrence
Griego, Kenny
Guerr, Michelle
Guillen, Genevieve
Gunter, Ed
Gurule, Frank
Gurule, Richard
Gutierrez, Danny
Gutierrez, Joaquin
Hannah, Lorraine
Harris, Rosemarie
Harrison, Jared
Harvey, Evelyn
Harvey, Harrison
Heard, Robert
Heiland, Donald
Heiland, Robert
Henio, Sampson
Hernandez, Don Javier
Hernandez, Eric
Hernandez, Phillip
Hernandez, Rafael
Herrera, Christine
Herrera, David
Herrera, Joe
Herrera, Regina
Herring, John E.
Hines, Samuel
Hinoj, Luis
Hinshaw, Douglas
Hob, Christine
Hobb, Ray
Hobb, Shafawtyra
Hollowell, Rhonda
Hood, Edie
Hoover, John
Hoover, Deborah
Houston, Stephanie
Howard, John
Howell, Winton
Hull, Billy
Hull, Dusty
Hunner, Leigh
Hurtado, Ceasar
Ibabu, Juan
Irwin, Kyle
Jack, Earl
Jackson, James E.
Jackson, Jim
Jacquez, Isabel
James, Alva
James, Timothy
Jameson, Evan
Jarvison, Alfred
Jeffrey, Cindy Ann
Jim, Harlan
Jim, Jerry
Jim, Roxanne
Jim, Vance
Jimenez, Javier
Jiminez, Arturo
Joe, Scott
Johnson, Brad Allan
Johnson, Casey
Johnson, Kelly
Johnson, Roger
Johnson, Rosie
Johnson, Toby
Johnson, Wally
Johnston, Wayne
Jones, Shawn
Juanico, Leticia
Kachichov, Angel
Kelsey, Lydel
Kidman, Mary
Kidman, Russell
King, Diane
Kinyakude, Joseph
Knoop, Brad
Koglin, Chris T.
Kovatchev, Lubomir
Kvame, Sandra K.
Laate, Cletes
Lajuenues, Louise
Lambert, Chad
Lambert, Martin
Lander, Lysias
Larsford, Zachary
Lassau, William
Lawrence, Karen K.
Lee, Potillas
Lenz, Stephon
Livingston, Raymond
Logan, Ian
Long, Andrew
Lopez, Angela
Lopez, Isidro A.
Lopez, Mark
Lopez-Ruz, Jose
Lovoato, Halena
Lovato, Mike
Lovato, Stephanie
Lucero, Benjamin
Lucero, Danny
Lucero, Frederick
Lucero, Joey
Lucero, Steve
Luvone, Wendy
Lujan, Fred
Luna, Severo
Maduro, Alonso
Madero, Debbie
Madrid, Julian
Mase, Elizabeth
Maes, Joe
Manning, Erik
Mapula, Noemi
Marano, Tiffani
Marr, Michael
Martin, Emmajean
Martinez, Adrian
Martinez, Anthony
Martinez, Candido
Martinez, Cheryl
Martinez, Fermin
Martinez, Gilbert
Martinez, Janelle
Martinez, John
Martinez, Johnny
Martinez, Jose
Martinez, Joyvette
Martinez, Marcos
Martinez, Matthew
Martinez, Rubeen
Mason, Wyndy
Mason, Heid
Mattox, Thomas
Maynes, Jimmy
McCann, John F.
McElroy, Rick
Medina, Adolfo
Medina, Daniel
Medina, Jan
Medina, Marc
Menasco, Angela
Mendez, Adrian
Mendez, Alexander
Mendez, Jose
Mendez, Rogelio
Mendoza, Patricia
Meza, Cecilia
Minetrez, Dennis
Miranda, Beatrice
Moad, Sheena Marie
Molina, Carlos
Montano, Nick
Monte, Velva
Montoya, Andrew
Montoya, Earl
Montoya, Leonard
Moody, David
Moore, Brandon
Morel, David
Munoz, Martha
Munoz, James F.
Munoz, Robert
Munoz, Eric
Myers, Chandler
Nabae, Tommy
Naranjo, Edward
Naranjo, Jerry
Naschild, Richard
Navarette, Ray
Nero, Clement M.
New, Anthony
Niez, Johnathan
Nieto, Pablo
Nolasco-Marquez, Rogelio
Norris, Nathan
Ocaña, Donald
Oguin, Sam
Ore, Chris
Orna, David
Orozco, Isabel
Ort, Stephen
Ortega, Michael
Ortega, Fabian
Ortega, Joseph
Ortega, Roman Renee
Ortiz, Mark
Outland, Maria
Owenby, Nancy
Padilla, Lee
Padilla, Matthew
Padilla, Shelia
Papamarkos, George
Pecos, Theron L.
Perez, Lorenzo
Perez, Paul Aaron
Perry, Richard
Perry, Steven Lee
Peters, Jim
Peterson, Chris
Piaso, Rose
Pinho, Lashuka
Pino, Greta
Pino, Leandro
Pinto, Roy
Placencia, Geoffrey
Platero, Lanny
Pomeroy, Michael
Pope, Lynne
Poyner, Thomas
Quesada, Mary M.
Rayas, Sandra
Reano, Cheryl
Redhore, Matthew
Reef, Timothy
Reese, Wallace
Reyes, Ramon
Reynolds, Charles
Riddle, Marble
Rios, Avel
Rios, Jose
Rivera, Allen M.
Rivera, Ben
Rivera, Ismael
Roanhorse, Lee Jr.
Roberts, Jared
Rodarte, Aaron
Rodarte, Fernando
Rodriguez, Patricia
Rodriguez, Robert
Rodriguez, Stanley
Romero, Adam
Romero, Anastacio
Romero, Estella
Romero, Herman A.
Roldan, Kevin
Ronayne, John
Roper, Joseph
Rosas, Justo
Roybal, Danny Paul
Roybal, Ronald
Roybal, Xavier
Russell, Theresa
Rutledge, Randy
Sage, Joseph
Sagustama, Alexander
Salcedo, Heracio
Salgado, Anita
Salt, Julius
Saltwater, Waylon
Samora, Jeremy
Samora, Oraldo
Sanchez, Christina
Sanchez, Christine
Sanchez, Christopher
Sanchez, Erastus
Sanchez, Joe
Sanchez, Nicolas M.
Sanchez, Peter
Sanchez-Villa, Juan Jose
Sandoval, Linda
Sandoval, Randy
Sanford, Bill
Sargeant, Kathryn
Schell, James
Seamon, Michelle
Selph, Joseph
Sen, Marcos
Serna, Ernest
Serna, Frances
Sentry, Gary
Sherlin, Eula
Shin, James
Shi, Jing Xuan
Shonock, Dale
Shroud, Lawrence
Silverman, Edwin
Silversmith, Frank
Sim修身, Brian
Sinea, William
Smith, Calvin
Smith, Harrison
Smith, Jessie
Smith, Steven
Snow, Mike
Snow, Phillip
Sosa-Pereyra, Rogelio
Sotelo, Jose
Spatzier-Gilmor, Renee
Spear, James
Stevens, Eva
Stone, Effie
Stone, Tod
Swendah, Jobeth
Taber, Teddy
Tafaya, Maurice
Tawney, Teresa
Taylor, Jennifer
Teelze, Martin
Tenorio, Christopher
Tereno, Matthew
Terrell, Jared
Thomasonet, Joe Henry
Thompson, Celeste
Thornhill, Damiel
Toboso, Celeste
Toboso, Diane M.
Toth, Clarita
Toth, Timothy
Toya, Irvin
Toczisko-Gomez, Benjamin
Trottcr, Brent
Trujillo, Andrea
Trujillo, Bonnie
Trujillo, Crystal
Trujillo, Daniel
Trujillo, Dennis

— Source: State Traffic
Safety Bureau

Safety Bureau
State Traffic
New Mexicans were heartbroken when Melanie Cravens and her three young daughters were killed by a drunken driver just west of Albuquerque on Christmas Eve 1992.

Then they got mad.

New Mexicans demanded action to combat the state’s DWI problem — and they got it.

Lawmakers lowered the legal blood-alcohol limit, toughened penalties for drunken driving and set aside millions of dollars to fund local anti-DWI efforts.

The state also began widespread use of sobriety checkpoints and passed a “zero tolerance” law that strips minors of their licenses when they are caught drinking and driving.

DWI arrests soared, the number of alcohol-related crashes dropped and fewer people died in drunken driving wrecks.

Then New Mexico fell asleep at the wheel.

DWI arrests have dropped, conviction rates are down, alcohol-related crashes are on the rise and the number of dead is inching back up.

Two of the most valuable tools in combating drunken driving — fear of arrest and swift and sure punishment — have been weakened.

And the result is predictable: Every couple of days, another life in New Mexico is sacrificed to drunk driving:

- A mother of four training to be a doctor.
- A man who spent most of his life coaching and educating youngsters.
- A high school senior planning to attend an elite university.
- A veteran jockey and horse trainer.

As one billboard says, “DWI Kills Our Families.”

Then there is the yearly financial cost of DWI — more than $300 for every man, woman and child in this state. It is a stunning price tag of $1.1 billion a year — about double what state government is spending this year to run the University of New Mexico, New Mexico State University and all other state universities and colleges.

But the wasted lives and wasted money needn’t be.

There is no reason New Mexico has to be one of the worst.

As problems go, DWI isn’t that tough.

New Mexico just needs to get back to work, showing the resolve it did after the deaths of Cravens and her daughters.

Here’s what the experts say we need to do:

- Demand that local and state officials establish goals for law enforcement in the fight against DWI and that they support those goals. For example, officials could set a goal of 10 percent more drunken driving arrests this year.
- Demand high-visibility law enforcement such as sobriety checkpoints and saturation patrols. Alamogordo police, for example, run about two checkpoints a month.
- Demand that alcohol sales laws be enforced. Few bars are ever cited for serving drunken drivers.
- Demand that prosecutors and judges be effective and consistent in dealing with drunken drivers.
- Demand improvements in the quality and accessibility of DWI records. Repeat offenders shouldn’t get off easy because prosecutors “couldn’t find” records of past DWI convictions. In most cases, they are there. All it takes is persistence in making sure the records get before the court.
- Demand increased enforcement of the zero-tolerance law for minors.
- Demand the juvenile justice system hold DWI offenders accountable and provide education and treatment.
- DWI is a New Mexico problem, but many of the solutions are local.

You have a right under the state Inspection of Public Records Act to review DWI arrest and court records in your community. You have a right to watch prosecutors and judges in courtrooms.

You can check a person’s driving record through the state Motor Vehicle Division, but the information is not available on the Internet to the general public. It should be.

The state Highway and Transportation Department has a database that can identify the most dangerous roads in your town for alcohol-related crashes.

The most important question New Mexicans can ask is, “Why?”

- Why do so few juvenile DWI offenders end up with convictions on their driving records?
- Why is administrative license revocation for drunken drivers increasingly failing?
- Why are so few bars and restaurants cited for serving intoxicated people?
- Why is the conviction rate for DWI offenders down?
- Why are repeat drunken drivers permitted to plead guilty to lesser offenses?
- Why do so few juvenile DWI offenders end up with convictions on their driving records?
- Why is administrative license revocation for drunken drivers increasingly failing?

Many of these questions have been answered in this special report. Changes can be made to better combat DWI.

Some steps are being taken to re-energize New Mexicans in the battle against DWI.

State Police say they are encouraging the creation of local anti-DWI groups.

State and federal highway agencies are organizing a statewide traffic safety summit Tuesday through Thursday in Albuquerque in part to try to get New Mexicans refocused on the problem.

The state this year enacted a law requiring ignition interlocks for all repeat DWI offenders. The locks disable vehicles of intoxicated drivers.

Of course, at the root of the state’s DWI problem is its alcohol-abuse problem.

New Mexico’s death rate for alcohol-related diseases and injuries is among the highest in the nation.

Experts say we need to change our attitudes and behavior when it comes to alcohol.

It is no more acceptable for a casual drinker to drive drunk than it is for an alcoholic who has been repeatedly arrested for DWI. Two-thirds of all alcohol-related crashes are caused by drivers who have never been arrested for drunken driving.

It also can’t be acceptable for people under 21 to drink. Beginning drivers and alcohol are a deadly mix.

New Mexico’s rate for alcohol-related teen fatalities on the highways is among the nation’s worst.

When it comes to the fight against DWI, no one has been more active and visible than Nadine Milford, Melanie Cravens’ mother. She has been criticized as being heavy-handed, but she makes no excuses.

“It could be your family next,” she warns.
**KEVIN MARTINEZ, 17**

Dixon

Killed by a drunken driver

The meticulous little boy — the toddler who cleaned the tire treads of his Tonka truck with a toothpick before he put it away — had grown into a serious young man. Kevin Martinez loved nice clothes. Six of his favorite words were, “Grandma, there’s a sale at Dillards.”

He kept his friends at Española Valley High School in line with an understanding ear and words of caution.

Martinez had been considering a career in auto mechanics after he graduated in December, but then the 17-year-old became a little more ambitious about his future. He sent an application to the University of California at Berkeley.

“Kevs,” as his family and friends called him, doted on the white Toyota Tercel he received for his 16th birthday. Like his toy trucks when he was a kid, he kept it clean.

Martinez had gone to work at his part-time job at the Pojoaque Pueblo hardware store on Sept. 11, 1994. After work he had picked up his girlfriend and taken her to the movies in Española. Martinez was headed home to Dixon a good half hour before his 9:30 p.m. curfew and was only a few feet from his driveway when he came over a hill crest and was met by the lights of a pickup truck in his lane.

Martinez jammed on his brakes and skidded for 32 feet before his Toyota hit the pickup head on. The driver of the pickup, who told police he had been drinking at an uncle’s house that day and whose blood-alcohol content was more than twice the legal limit, never hit the brakes.

Steve Martinez was called out of the house by a neighbor and held his only child as he died.

The driver, Rodney Arellano of Chamisal, was sentenced to six years in prison and served three years before he was paroled.

The acceptance letter from UC-Berkeley came to the Martinez house that spring. “Calling and telling them he had been killed was one of the hardest things we’ve done,” Marcia Martinez said.

She tells convicted drunken drivers about Kevin at victim impact panels and hopes the story of his short life and photographs of his violent death will influence them the next time they are in the position to drive drunk.

“My whole world was taken and turned upside down,” Marcia Martinez says. “I have nothing else.”