

April –May 2024 Edition



NEW MEXICO VICTIM'S RIGHTS PROJECT NEWSLETTER



[National Crime Victims' Rights Week](#) (NCVRW) in 2024 is a significant observance that takes place from April 21 to April 27. This year's theme, "How would you help? Options, services, and hope for crime survivors," calls on everyone—friends, family, neighbors, colleagues, community leaders, victim service providers, criminal justice practitioners, and health professionals—to consider their role in assisting crime victims. The week aims to create safe environments for victims to share their experiences, thereby offering support, access to life-saving services, and most importantly, hope. Events such as flower tosses, vigils, and community gatherings across the nation highlight the importance of solidarity and remembrance for those affected by crime, while also honoring the dedicated individuals who advocate on their behalf.

If you or someone you know has been a victim of a violent crime, reach out to the New Mexico Victim's Rights Project. You don't have to navigate this journey alone.

Website: victimsrightsnm.org **Email:** Info@victimsrightsnm.org



**Making Victim's Rights
Meaningful: Representing Victims
in Criminal Courts CLE Course on
April 12th was a success!!**

The New Mexico Victim's Rights Project offers accredited CLE courses for New Mexico attorneys, equipping them with the knowledge needed to effectively represent victims in criminal courts.

Here is some feedback from one of the attorneys attending our most recent CLE Course:

I wanted to take a moment to thank you, Linda, and Carolyn for the information you provided at the Victim's Rights CLE on Friday. As I mentioned, we handle a number of civil lawsuits on behalf of victims of violent crime in a variety of contexts, and we're always looking for ways to assist the family in navigating the parallel criminal system. The information you provided will really be useful for our practice—we often get a lot of pushback from District Attorneys when we're trying to advocate for our clients, but armed with some of the case law/statutes and practice tips you provided I think we'll be on surer footing. — Heather K. Hansen, Attorney

Please keep a look-out for our newsletter informing you of the next course or visit our [website](#).



Bonnie & Bob Hartwig

Change is Needed in New Mexico

Victim Impact Statement by Gary Fritke

The following Victim Impact Statement was read at the sentencing hearing for the defendant who killed my sister and brother-in-law in a reckless, senseless and violent crash on the night of July 25th, 2021. It highlights the torment and emotional trauma that the family had to endure over the two years and eight months following the crash. The delay in bringing justice for my sister and brother-in-law were due to questionable decisions by law enforcement, the District Attorney's Office, the Legislature, and the Judiciary.

At the sentencing hearing Judge Baca-Miller recognized that the defendant took no responsibility and showed no remorse for his actions. It was something the family also felt when he was allowed to plead no contest to the felony charges issued by the Grand Jury. Judge Baca-Miller sentenced the defendant to 30 years with a 20-year cap on imprisonment, agreed to in a plea agreement, followed by 5 years of probation. In New Mexico however the defendant will be free after only 10 years. Can anyone really say that a 10-year sentence is sufficient for taking the lives of two innocent victims who had so much more to live for?

I hope you will take the time to view the news story that [KRQE](#) ran on the night of the sentencing. It highlights the violent nature of the crash, the state of mind of the defendant, and the criminal history of the defendant who had two prior DWI convictions. Did the leniency shown the defendant in all his previous charges and convictions contribute to the death of my sister and brother-in-law? Also, please look at the photographs of the Volvo SUV my sister and brother-in-law drove that night that illustrates the violent nature of the crash.

At the end of the sentencing hearing, Judge Baca-Miller encouraged me to continue advocating for changing the laws. That is what I hope to do in the future, and I feel it is a way that I can honor the lives of my sister and brother-in-law. [Continue reading...](#)

We are thrilled to welcome Marlene and Marc to our team!



Marlene brings extensive experience with victim advocacy, while Marc's counseling background will help advance our victim advocacy mission. Their passion and dedication will undoubtedly contribute to our continued effort to support victims of crime.



CRIME VICTIM LAW CONFERENCE

NATIONAL CRIME VICTIM LAW INSTITUTE

The National Crime Victim Law Institute's Crime Victim Law Conference is the premier national conference on rights enforcement in the country. Professionals serving victims gather to learn, share best practices, and plan the future of victims' rights.

The New Mexico Victim's Rights Project will present:

Thinking Outside the Box in Protecting and Asserting Crime Victim's Rights

10:30 AM – 11:45 AM May 22, 2024

This panel of New Mexico presenters will discuss their advocacy and litigation strategies used to assert and protect victims' rights. Attendees will learn the creative approaches used to attain protections for victims/survivors and what that looks like from client intake through litigated cases.

Melissa Ames, Victim Advocate will discuss her interactions with victims/survivors, law enforcement, prosecutors and judges. She will focus on her work assisting victims with Orders of Protection and touch on the New Mexico 'red flag' law.

Linda Atkinson, Executive Director will discuss her history with New Mexico Victims' Rights laws, their implementation, working with attorneys, interactions with clients, referring organizations and agencies, District Attorney Offices and policy makers. A look back, where we are today and future endeavors in securing rights for victims/survivors.

Carolyn Callaway, Victim's Rights Attorney will discuss her interactions with the clients, courts, prosecutors, defense attorneys, and the Supreme Court. She will also delve into her work in securing restitution for clients, including an appellate case and the abrupt end to it. Her challenges and eventual success in getting restitution for clients including a \$2.8 million dollar restitution for one client. There will also be discussion of our current case in the Supreme Court which involves immigrant issues, privacy issues, and legal representation for crime victim's issues.



From the Executive Director: Linda Atkinson

Welcome to our first edition of the Victim's Rights Project's Newsletter.

The Victim's Rights Project is operated under the DWI Resource Center (a non-profit 501(c)(3) organization) that serves all victims of violent crime in New Mexico. The Center was founded in 1992 and the Project began in 2002. I want to provide useful information to raise awareness of the constitutional rights of crime victims, as they are routinely ignored by the criminal justice system. We are an organization dedicated to supporting those who have suffered as the result of a violent crime. We currently employ 4 victims' advocates, a part-time assistant and two attorneys providing pro bono work for our clients. In other words – a small but mighty organization. The Project provides a compassionate guide through the legal maze of the criminal justice system. When tragedy strikes, victims often find themselves thrust into a complex and bewildering criminal justice system. The emotional toll, financial strain, and legal challenges can be overwhelming. The New Mexico Victim's Rights Project recognizes this struggle and steps in to offer practical solutions and unwavering support. New Mexico Victim's Rights Project can help with:

- Navigating the Criminal Justice System
- Advocating for You
- Providing Resources for Support
- Enforcing your Constitutional Rights

The New Mexico Victims' Rights Project remains at the forefront of victim's rights advocacy. Here are some recent highlights:

- Supreme Court case set for Oral Arguments April 30, 2024 at 9 a.m.

Ramirez v. Marsh, No.S-1-SC-39966 (Consolidated with NMILC v. Leos, S-1-SC-40114)

When a child is sexually assaulted, reporting the abuse to law enforcement can result in the loss of privacy and other legal rights for the child and their parents. Undocumented immigrants are among the most vulnerable to crime, and once victimized, they face significant barriers to accessing justice and a high risk of re-victimization. In this case the defense asked for the U-Visa application with no proffer of why he needed it. It was not in the possession of the state, yet the judge ordered it to be produced. The victim's family is represented pro bono by the Victim's Rights Project attorney, Carolyn Callaway, who filed the Petition for a Writ of Superintending Control.

[Navajo Nation's Sweeping New Victim's Rights Law: The project stands in solidarity with the Navajo Nation, celebrating their comprehensive victim's rights law.](#) This landmark legislation ensures that victims' voices are heard and respected.

The New Mexico Victim's Rights Project reminds us that justice is not just a legal concept; it's a lifeline for those who have suffered. With empathy, expertise, and unwavering commitment, the project continues to make a difference in the lives of victims, one case at a time.